

APPENDIX H

The following pages present Comments on the Draft Environmental Impact Statement. Comments have been numbered; responses are provided in Appendix I.

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PUBLIC MEETING
ON THE DISPOSAL
AND RE-USE OF THE
JEFFERSON PROVING GROUND

APRIL 25, 1995
331 E. Main Street
MADISON, INDIANA 47250

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1 The public hearing on the Disposal and Reuse of the
2 Jefferson Proving Ground was held on Tuesday, April 25,
3 1995, at the Salvation Army Auditorium, 331 East Main
4 Street, Madison, Indiana: That said meeting was taken in
5 shorthand and on a tape recorder by Lois Jackson, a Notary
6 Public in and for the County of Jefferson, State of
7 Indiana: That the following transcript is provided of said
8 meeting:

9

10

12 MR. PAUL CLOUD: I would like to welcome everyone
13 here tonight for the public hearing. It is now my pleasure
14 to introduce Colonel Terry Weekly, Commanding officer of the
15 Jefferson Proving Ground. Thank you.

16

17 COLONEL TERRY WEEKLY: Good evening, ladies and
18 gentlemen. I would like to take this opportunity to welcome
19 you all to this evening's hearing regarding the Draft
20 Environmental Impact Statement for the disposal and reuse of
21 JPG.

22 As I believe everyone is aware, we were a 1988 Base
23 Realignment and Closure installation. We are scheduled for
24 closure on the third (3rd) of September of this year and
25 that is dictated by law. I think most of you are probably

1 also aware that we finished our ammunition testing mission
2 on the thirtieth (30th) of September last year and I know
3 some of you at least - I see faces that were there for that
4 ceremony. At the present time, we are in the process of
5 closing out facilities and turning in equipment in
6 preparation for the eventual re-use of the proving ground or
7 possibly putting into caretaker status, depending on how the
8 process goes.

9 Our purpose here this evening is to receive your
10 comments and concerns on the Environmental Impact Statement
11 that the Army has prepared for the disposal and re-use. Let
12 me emphasize the word environmental impact. Our purpose is
13 not, at this forum, is not to debate the closure process or
14 even debate who the ultimate user of the proving ground is
15 going to be. That will be counterproductive. What we need
16 to focus our comments on are the environmental impacts and
17 socio-economic impacts to the community of this closure.

18 So please try to focus your comments in that regard
19 and I think it will be a lot more fruitful meeting for
20 everyone. The draft EIS that we're reviewing tonight was
21 prepared by Jaycor Corporation under the supervision of Mr.
22 Jim Davidson of the U.S. Army Materiel Command and Jim is
23 going to be the one who will conduct tonight's meeting. Of
24 course, we at the proving ground are always willing to hear
25 your thoughts and comments on the disposal process and

1 re-use process, but the key here is that the ultimate
2 decision on the re-use is going to be made in Washington; so
3 it's very important that we know what your comments and
4 concerns are and that you take advantage, either of this
5 meeting tonight or take advantage of putting your comments
6 in writing and sending them in to us and I assure you that
7 all comments will receive consideration.

8 Again, I would like to welcome you to this
9 evening's hearing and, at this time, I would like to
10 introduce Mr. Jim Davidson of the U. S. Army Materiel
11 Command and Jim will conduct the proceedings for the
12 remainder of the evening. Thank you very much.

13

14 MR. JIM DAVIDSON: Good evening. It's a pleasure
15 to be here tonight to conduct this hearing. As Colonel
16 Weekly mentioned, I work for the Army Materiel Command. The
17 Materiel Command is the major Army headquarters for the
18 Jefferson Proving Ground. We are based in Alexandria,
19 Virginia. The Materiel Command is also the proponent for
20 the draft Environmental Impact Statement on the disposal and
21 re-use of the Jefferson Proving Ground property, which is
22 the subject of tonight's hearing.

23 This is the agenda for tonight's hearing. Before
24 taking your comments, I want to explain the purpose of the
25 hearing and also discuss the process that we went through to

1 produce the draft Environmental Impact Statement. I will
2 also briefly overview the organization and content of the
3 document. One administrative point before I get into this
4 presentation: If you intend to make a verbal comment
5 tonight on the document, you need to sign in up at the small
6 table just inside the door. What we're going to do is,
7 after I finish my presentation, we'll take your verbal
8 comments. We ask you that you keep yourself to about five
9 (5) minutes. We will take your comments in order that you
10 sign in on the sheet. So that's what we're looking forward
11 to. Next chart, please, Paul.

12 This chart identifies the purpose of the hearing.
13 There are three (3) purposes basically. We are here to
14 Discuss the process, here to discuss the content of the
15 Document, and most importantly we're here to listen to your
16 Comments on the document. Public law directs the closure of
17 Jefferson Proving Ground at the end of this coming
18 September. After that date, the Army can no longer perform
19 an active mission on the proving ground property. As a
20 result, we are considering options for disposal of the real
21 property. The Nation Environmental Policy Act or NEPA,
22 for short, requires us to study environmental consequences
23 of major federal actions such as the closure of the proving
24 ground. The resulting NEPA study will serve as a decision
25 making tool for property disposal decisions. Because of the

1 complexity of the disposal action, the Army is preparing an
2 Environmental Impact Statement - the highest level of NEPA
3 analysis. This chart displays the key events in developing
4 an Environmental Impact Statement. For your information,
5 starting in the upper left corner, the notice of intent for
6 this document occurred on December 30, 1992. The initial
7 scoping meeting to scope - get public's input on what should
8 be reviewed in the document occurred on February 11, 1993.
9 The draft EIS - the subject of tonight's hearing - was first
10 made available to the public on March 31, 1995. The
11 hearing, of course, is tonight. The final Environmental
12 Impact Statement, a document that will incorporate all your
13 written and verbal comments on the document will be
14 available in either late July or early August this summer.
15 Finally, the process concludes with what's called a ROD or
16 Record of Decision. We anticipate that this decision will
17 be available at either the end of August or at the latest in
18 early September, 1995.

19 The primary purpose of an Environmental Impact
20 Study is to analyze the potential for significant
21 environmental consequences of a proposed action and its
22 alternatives. Advance knowledge of the significant impacts
23 influences decision making.

24 This chart displays the standard format for
25 Environmental Impact Statements. Because the disposal of the

1 proving ground is tied to a base closure action, a summary
2 of your community's re-use plan is appended to the study
3 document. There is a cross reference in Chapter Three of
4 the Army's study which links your community's plan for
5 proposed use of the various study areas to the Army's
6 evaluation of re-use scenarios.

7 The primary action addressed in this Environmental
8 Impact Statement is the disposal of the proving ground by
9 the Army. There are three (3) alternatives under
10 consideration: Number one is encumbered disposal of the
11 property to new owners. By encumbered disposal, I mean
12 there would be certain land use restrictions imposed on the
13 new owners. The second alternative considered is
14 unencumbered disposal. That analyzes the possibility for
15 removing the encumbrances and finally, there is a third
16 alternative known as the no action alternative, which
17 analyzes the consequences of the Army retaining the proving
18 ground in a caretaker status.

19 Secondary to the disposal action is the re-use of
20 the proving ground by new owners. For re-use, we have
21 evaluated low, medium, and high land use intensities
22 consistent with the general re-use proposals identified in
23 your community's re-use plan.

24 These next two charts identify the thirteen (13)
25 different human and natural environmental resources studied

1 in the Environmental Impact Statement. These resources are
2 described in detail in Chapter Four of the document. The
3 environmental consequences on each of the thirteen (13)
4 resources are evaluated in Chapter Five of the document.

5 This is the Army's plan for concluding the
6 Environmental Impact Statement process. The comments on the
7 draft document are due by May fifteenth (15th). The final
8 Environmental Impact Statement will be available, as I said
9 a little bit earlier, in either late July or early August.
10 This final document again will document all your verbal and
11 written comments and the Army's official response to each.
12 Finally, the Record of Decision, which will permit us to
13 proceed with disposal of the property, will come in either
14 late August or early September.

15 Now it's time to hear from you. As I mentioned
16 earlier, you need to sign in at the front table if you
17 intend to make a verbal statement tonight. We ask that your
18 statement be limited to five (5) minutes. We will take your
19 comments in the order that you've signed in. The Army will
20 also consider all written comments as well. Either submit
21 these written comments at the front table or mail them to
22 the address shown on this slide. Your written comments
23 should be postmarked - excuse me, your mailed in comments
24 should be postmarked by May 15, 1995. A copy of the charts
25 that are being displayed tonight will accompany the public

1 hearing transcript, which will be included in the final,
2 Environmental Impact Statement.

3 Finally, in closing, I want to assure you that all
4 of your verbal and written comments will be addressed in the
5 public record and now I'll start taking those verbal
6 comments. The first person to sign in is Mr. Richard Hill.
7

8 MR. HILL: Good evening. My name is Richard Hill.
9 I am President of Save The Valley, Incorporated, which is a
10 local environmental organization and I would just like to
11 take the opportunity to express just a few of our concerns
12 tonight regarding proposals that are in the draft EIS. One
13 of those has to do with continued monitoring. One of our
14 main concerns involves the question of continuation of

15 monitoring for possible health and safety risks after the
16 Army has disposed of JPG. We feel it is essential that
17 areas be sampled and tested on a regular basis in order to
18 measure migration of any toxic substances. We do appreciate
19 the danger inherent in any major clean-up efforts due to
20 presence of UXO in areas North of the firing line.
21 Therefore, continuous monitoring seems to be an acceptable
22 alternative, at least from what we can tell at this time.
23 This is of special concern in and around the depleted
24 uranium impact area due to the long lived radioactive nature

25 of DU and its toxilogical - toxicological hazard as a metal.

1 We feel it is necessary to insure that migration of such
2 contaminants through the soils to ground and surface waters
3 is carefully monitored. Also, the fact that Big Creek runs
4 right through the DP - the DU impact area gives rise to a
5 number of possible mechanisms for migration of DU outside
6 the immediate impact area. This is of particular concern to
7 people outside the JPG borders who live on and otherwise use
8 this creek for purposes such as fishing, recreation - maybe
9 their livestock might get in there; so, for these reasons,
10 we recommend sampling not only of water and soil, but also
11 the biological inhabitants that could conceivably carry the
12 contaminants away from the immediate impact area. We do
13 understand that there is to be a separate EIS for the DU
14 area and these concerns will be expressed during that
15 process also; however, this present DEIS does address the
16 disposal and re-use of the entire JPG and the current DEIS
17 also identifies depleted uranium as an encumbrance to be
18 considered so we just wanted to address that tonight.

19 Another thing, the fish - wildlife refuge proposal
20 - just briefly - the preservation of JPG as a wildlife
21 refuge offers a unique opportunity for this part of the
22 country. By the very nature of past use, much of JPG is
23 actually unsuitable for other uses. There are currently no
24 other areas of this large scale available in Indiana for
25 protection of natural habitats. Such habitats are being lost

1 every day and are becoming extremely rare. We feel that
2 such an opportunity may never arise again on this scale in
3 Indiana. I will not list here all the natural and historic
4 features that are worth preserving as these are quite
5 extensive, already very well known, and thoroughly described
6 in other documents, including in the DEIS.

7 Also, word on other proposed uses North of the
8 firing line - some impacts that might apply here. There is
9 much discussion of other uses other than the wildlife refuge

10 for areas North of the firing line. We must express our
11 opposition to uses that would compromise the integrity of
12 the wildlife refuge. We have already mentioned the unique
13 nature of the area and fear that other uses in or near the
14 refuge would only interfere with the intent of habitat
15 preservation. We believe that there are ample areas of
16 opportunity for development lying outside JPG or South of
17 the firing line. There seems to be a number of development
18 minded persons wishing to turn lead or, in this case, UXO
19 riddled land into gold. It seems obvious that any future
20 use of even moderate intensity would require substantial
21 clean-up efforts to remove UXO. A direct quotation from the
22 DEIS states, due to historical practices at the JPG,
23 unexploded ordnance may be found anywhere North of the
24 firing line. Additional UXO clean-up costs estimates listed
25 in the draft give figures as high as Eighty Seven Thousand

1 plus Dollars per acre in forested areas and over nearly
2 Fifty Nine Thousand Dollars per acre in bare land areas. Is
3 this land really worth that much? Is there not other
4 uncontaminated land that could be had for considerably
5 less? It is true that these are high worst case figures.
6 There's other figures in there too; however, as we have all
7 often experienced, anything that can possibly go wrong will
8 go wrong and actual costs often far exceed projected ones.
9 It is also true that developers would not directly pay these
10 clean-up costs; however, they are true costs, whether they
11 are paid by developers or by our tax dollars. Avery
12 credible source of opinion comes from several people that -
13 friends and neighbors and relatives who have worked at JPG
14 for many years. I have lived in this area all of my life
15 and know a lot of these people. Yes.

16 MR. DAVIDSON: Mr. Hill, are you about finished?

17 MR. HILL: Yes. I'm sorry. I'm almost done. At
18 many of the meetings concerning the closure as well as in
19 conversations with these people, many of them voiced their
20 judgment that development of areas North of the firing line
21 is not possible due to the presence of UXO and inability to
22 remove it safely and we agree with that. Thank you. You
23 were kind enough - I have a statement from another person
24 too that's probably even shorter than that. Is that okay?

25 MR. DAVIDSON: That's fine. If you could read that

1 person's name?

2 MR. HILL: Yeah, I will.

3 MR. DAVIDSON: Do you have - are your comments also
4 in writing?

5 MR. HILL: Yes. I'll give them to you as soon as I
6 get finished.

7 MR. DAVIDSON: Certainly. If you could spell the
8 name of the next person you're speaking in behalf of?

9 MR. HILL: Okay. The next person - he was supposed
10 to be here tonight. His name is Thomas Dattilo That's
11 D-a-t-t-i-l-o and he's an attorney. He's our attorney in a lot of cases
12 and he was doing some work on this for us. Anyway, he couldn't be here
13 tonight. He has an illness in the family so he had a statement here and
14 I told him I'd read it for him.

16 Save The Valley and later on tonight Hoosier
17 Environmental Council will have expressed their concerns
18 concerning the JPG Environmental Statement. However,
19 a mention of the EIS and its lack of specificity concerning
20 non-federal landowners, private landowners and their
21 customers and social friends need to be addressed at this
22 time. Encumbered disposal suggests the Army has formulated
23 a plan to consider certain encumbrances on certain owners
24 facing the condition of transfer. The Army suggests it may
25 be able to control these encumbrances and accordingly, their

1 environmental impacts. The Army authorizes that mitigation
2 of impacts would result in re-use of the JPG land and be
3 beyond the control of their authority. The EIS suggests
4 measures that future owners could take, including exercise
5 of sound discretion, land use planning, infrastructure
6 developments. The suggested adherence to deed restrictions
7 and enforcing of zoning substantial decision regulations and
8 building permits; however, the Army, to our knowledge, has
9 not approached Jefferson County zoning authorities regarding
10 proper classification and zoning of the land South of the
11 firing line. Also, there is no mention in - that the Army
12 has approached Ripley and Jennings Counties regarding their
13 comprehensive zoning plans for the area North of the firing
14 line. How does - so how does proposed action analyzed in
15 the EIS concern itself properly with the disposal of the
16 entire facility? The EIS suggests that re-use of the
17 installation of future occupants is beyond the direct
18 control of the Army. The Army acknowledges that mitigation
19 of impacts which result from use are beyond its control and
20 authority. This re-use, the Army considers, indirect
21 impact. The Army recognizes CERCLA requires that all
22 federal property transfers specify any release storage,
23 disposal of hazardous materials at the site along with the
24 description of the circumstances and any response taken.
25 Covenants are required for property transfers from the

1 federal government to private, non-federal entities that
2 involve property which had been the site of storage,
3 release, or disposal of hazardous materials. These
4 covenants must warrant that necessary remedial action has
5 been taken and that if additional remediation is needed, it
6 will be conducted by the federal government. What assurance
7 do the people of Jefferson, Ripley and Jennings Counties
8 have that the federal government will remain in charge? The
9 encumbrances - some encumbrances are identified as UXO and
10 DU. After twenty-five years, the Army suggests that the
11 outlined parcel intended for community development would be
12 burdened with a reversionary clause favoring the Fish and
13 Wildlife Service. Why not just transfer the property North
14 of the firing line to the Fish and Wildlife Service so that
15 no major liability decisions need be faced by any
16 non-federal landowner or by private individual landowners
17 who receive title from the federal government?

18 The reversionary clause could have an effect on the
19 county's land use, decisions respecting developed parcels
20 and may be in conflict with the Fish and Wildlife Service's
21 reversionary interest. Discussions have occurred between
22 Save the Valley's attorney, Thomas Dattilo, and the
23 Jefferson County Zoning attorney and zoning officials that
24 suggests Jefferson County may consider pursuing zoning

25

1 classification for that portion of JPG that exists within
2 Jefferson County. Jefferson and Ripley Counties should, in
3 our opinion, do the same and commence zoning regulations and
4 requirements for their county's portions of JPG. Zoning
5 provides for orderly and planned growth, but then accounting
6 must be done before transfer of any real estate parcels are
7 between federal government and respective counties. I'm
8 almost done.

9 The Fish and Wildlife Service and their rights and
10 interest in the JPG facility should also be considered by
11 the zoning authorities of their respective counties. In
12 this manner, orderly and planned growth just might be
13 accomplished. It's a pity the government didn't think of
14 this significantly enough to direct the respective counties
15 to act in the county's best interest. Also, if parcels are
16 transferred to private landowners and if zoning is not
17 accomplished beforehand, the populus surrounding JPG will
18 suffer substantial problems; most likely environmental
19 hazards.

20 In conclusion, if the counties fail to zone JPG,
21 future generations can have no assurance of any proper
22 Planned growth or any safety for the business invitees or
23 the surrounding JPG populus from unexploded ordnance and
24 depleted uranium. Thank you.

25

1 MR DAVIDSON: The next speaker is Michael Weber.
2 Mr. Weber, if you could spell your name, please.

3 MR. WEBER: Sure. My name is Michael Weber
4 That's W-e-b-e-r. I'm the chief of the Logo Waste and
5 Decommissioning Projects Branch of the Nuclear Regulatory
6 Commission of Rockville, Maryland. My comments tonight are
7 brief. We will submit more detailed comments in writing by
8 the deadline in the Federal Register notice. I certainly
9 want to express our appreciation for the opportunity to
10 participate in this process. We conducted a preliminary
11 review of the Draft Environmental Impact Statement and
12 that's the basis for the comments we provide tonight and
13 will provide in writing.

14 As you are well are, the NRC has also initiated the
15 scoping process with the intent to develop an Environmental
16 Impact Statement and our scoping meeting is tomorrow
17 evening. Our specific focus is on the Delta Impact Area
18 with the depleted uranium contamination. We are a
19 regulatory agency and we have the responsibility to insure
20 that the public is protected and the environment is
21 Protected from the activities associated with the Delta
22 Impact Area and it's with that primary focus that we
23 structure our comments here tonight.

24 We believe that the Army's Draft Environmental
25 Impact Statement is a good starting point because it lays

1 out in a fairly comprehensive fashion the alternatives that
2 are available for disposing and re-using the property. Many
3 of our concerns, however, are aligned with the first
4 speaker's remarks about the long term concerns about the
5) potential migration of the depleted uranium and that's
6 specifically one of the things that we would hope to address
7 in the development of our Environmental Impact Statement.
8 On the disposal alternatives, the re-use alternatives and
9 the comparison of alternatives, one of our concerns with the
10 Draft Environmental Impact Statement is that there appears
11 to be some inconsistencies and ambiguities and whether
12 certain remedial actions are, in fact, included in the
13 alternatives or are they somehow being conducted in parallel
14 with the implementation of the different disposal
15 alternatives; and, to that extent, they may affect both the
16 negative and the positive impacts that are associated with
17 different alternatives. So building on that, it may somehow
18 affect the comparison of the alternatives. We think that a
19 more quantitative analysis would help in shedding light on
20 what are the impacts and insuring that they are objectively
21 compared.

22 Although we have no concerns with the Army's
23 preferred alternative over all for the disposition of the
24 property, we do recognize that our Environmental Impact
25 Statement will be getting into the Delta Impact Area and

1 we'll be evaluating similar things like human health
2 environmentally, other impacts associated with remediation
3 and disposition of that property.
4 I would be remiss if I did not point out that, at
5 least at one point in the Draft Environmental Impact
6 Statement - Section 4.14.4 - there is a dose estimate that
7 is projected to exceed NRC's public dose limit if someone
8 were to be exposed to the depleted uranium contamination. I
9 believe the value cited is a hundred and ten milligram per
10 year. Assuming an individual were to live on the
11 contaminated property, that's over our hundred milligram per
12 year dose criterion or dose limit intense of our 20.1301 and
13 that, at least in that specific instance, suggests there
14 may, in fact, be some significant impacts associated with
15 the different alternatives so I would suggest the Army give
16 that consideration in finalizing the EIS. Thank you.

17
18 MR. DAVIDSON: The next speaker is Mark - excuse
19 me, Mike Marxen. Would you please spell the name for the
20 reporter, please so that we can get it correct on the record?

21 MR. **MARXEN:** Good evening. My name is Mike Marxen
22 - M-a-r-x-e-n and I'm representing the U.S. Fish and
23 Wildlife Service. I'm located in our regional office for
24 the Upper Midwest Region up in Twin Cities, Minnesota. The
25 U.S. Fish and Wildlife Service continues to be interested in

1 protecting the natural resource values of the Jefferson
2 Proving Ground. Over the past two years, federal and state
3 biologists have conducted on-site investigations which have
4 reaffirmed our interest. Preliminary findings show the
5 proving ground contains several high quality wetlands, woods
6 and streams supporting healthy and diverse wildlife
7 populations. The large expanse of Eastern deciduous forest
8 habitat and its inherent biological diversity warrants
9 consideration as a national wildlife refuge.

10 The Fish and Wildlife Service biologists know good
11 habitat when they see it, but until recently we have failed
12 to recognize the magnitude of problems associated with
13 unexploded ordnance hidden in this landscape. In March of
14 this year, the Fish and Wildlife Service prepared and,
15 submitted to the Army an EPA - a draft refuge concept plan.
16 This plan is more detailed and represents a significant
17 departure from the 1993 preliminary concept plan which
18 appears in Appendix C of the Army's draft EIS. The plan in
19 Appendix C is no longer valid. Therefore, it should be
20 withdrawn.

21 The purpose of the draft concept plan is to
22 generate discussion on details of safety, clean-up and
23 liability between the three primary agencies involved.
24 That's Fish and Wildlife Service, EPA and the Army. The
25 ideas put forth so far by the Fish and Wildlife Service are

1 very preliminary because several unresolved issues affect
2 the Army, EPA and Fish and Wildlife Service. These issues
3 center around unexploded ordnance, associated clean-up,
4 liability safety. You may have heard and read proposals for
5 refuge - public use such as deer hunting, fishing on old
6 Timbers Lake and a hundred thousand visits annually. I want
7 to emphasize that no decision has been made to allow or not
8 to allow these activities or this level of activity. At
9 this time, we do not know what activities are compatible
10 with unexploded ordnance. We do not know what areas are
11 safe for recreation or how much use would be considered
12 safe. These are very difficult questions. Sound recreation
13 decisions cannot be made until additional ordnance
14 information is collected and clean-up and safety decisions
15 are made.

16 Public access on national wildlife refuges is
17 common. Our early proposals for public access at JPG were
18 based on use figures at other refuges without unexploded
19 ordnance. Furthermore, our proposals assume that the safety
20 and liability concerns can be resolved. This is still the
21 case; however, it appears that the problems faced at JPG are
22 significant. The process of developing a public use plan
23 will take longer than anticipated and use may be more
24 restricted than we originally anticipated because of the
25 unexploded ordnance.

1 The Army, EPA and Fish and wildlife have a lot of
2 talking to do to work out solutions to the safety problems
3 at JPG. If solutions can be found, then the refuge proposal
4 can move forward. Many discussions on these issues will
5 take place over the coming months and the Fish and wildlife
6 Service looks forward to hearing your comments through this
7 Draft EIS process. We understand and share your interest in
8 future recreation access to the property, but safety and
9 liability will have to be the guiding factors in the
10 decision to be made. Thank you.

11

12 MR. DAVIDSON: Next speaker listed is a
13 representative from Ripley County CARE. I'm gonna butcher
14 your name if I tried to pronounce it, so if you could please
15 come forward and spell it for the reporter.

16 MR. LAWBURGH: My name is Charles Lawburgh and CARE
17 stands for - it's that - we have a problem with trash
18 disposal in our county and I was - we were hoping that maybe
19 with the JPG, there would be an opening; but it seems like
20 everybody is concerned about the unexploded ordnance and
21 there is - I'm been alert - been aware that right now the
22 Army has some contractors in there cleaning up three hundred
23 (300) acres and they gonna try to find out whether these
24 contractors can clean that up and possibly there could be a
25 breakthrough in that. They might be able to clean that

1 place up, but then the - oh, the Wildlife - the Fish and
2 wildlife are really wanting that and we can take a lesson
3 from what the government has been doing with the farmers and
4 the different organizations about this wetlands. What
5 they're doing - they're swapping property here that's
6 supposed to be wetlands for property over here and they can
7 go ahead and use that property and my one solution to that
8 would be that we have - we have plenty of deer. We have
9 plenty of turkey. We have plenty of wildlife and we have a
10 variety of parks and recreation centers around the country
11 here and if they - to get rid of this problem with the UXO,
12 why not let Fish and wildlife swap with some of that
13 property that doesn't have UXO on it for some of this - for

14 this - oh, Jefferson Proving Ground. I mean, that's what
15 they're doing with the public outside - the farmers and
16 folks like that are getting that problem, so there's a -
17 there's a lot of - like you say, there's a lot of property
18 around that is being used for fish and wildlife and game
19 reserves and things like that and we could go ahead and use
20 that land in exchange for some of this land that really
21 belongs to the three counties. I don't know how this is
22 going to work out, but that is something I'm putting forth
23 and it should be - I think it should be looked into because
24 Lord knows we've got plenty of deer. We've got plenty of
25 turkeys and we don't need all that extra right now. The

1 State and the Governor are trying to figure out how to
2 control the wildlife and things like that because people are
3 getting killed. People are getting their cars tore up and I
4 - I'm wondering why the insurance companies aren't raising a
5 lot more cain than they are over that situation and
6 personally I've had - be driving along and I've had deer hit
7 me in the back. I've had deer run across in front of it and
8 so I don't think we need any extra breeding ground for deer
9 so I - and I would like to see if there could be - maybe
10 later on there could be some breakthrough on cleaning that
11 up. This proving ground would be really - a really good
12 place for the public if it could be brought forth, but if
13 not, I would say they go ahead and swap the land. Well,
14 thank you.

15 MR. DAVIDSON: Could you spell your last name,
16 please?

17 MR. LAWBURGH: L-a-w-b-u-r-g-h. That's like
18 Edinboro - instead of Lawburgh - instead of Edinboro.

19 MR. DAVIDSON: Thank you.
20 MR. LAWBURGH: You're welcome.

21
22 MR. DAVIDSON: The next person offering to speak is
23 a representative from Hoosier Environmental Council. If
24 they could come forward at this time.

25 MR. MALONEY: My name is Tim Maloney. That's

1 M-a-l-o-n-e-y. I'm representing the Hoosier Environmental
2 Council tonight. Hoosier Environmental Council is a
3 statewide not-for-profit environmental organization and
4 tonight we're submitting our preliminary comments on the
5 Environmental Impact Statement. we will submit more
6 detailed comments in writing prior to the end of the comment
7 period.

8 Tonight I would like to just go over some of our
9 general concerns. First of all, we have serious
10 reservations about the format of the Environmental Impact
11 Statement in the terms of it being a very generic analysis,
12 of categories of uses when there are specific, reasonably
13 foreseeable re-use plans are known at this time and should
14 have been analyzed in more detail during this process. It
15 is the intent of the National Environmental Policy Act and
16 its guidance of environmental impact statements that these
17 be as detailed and informationally complete as possible in
18 order to fully disclose all the considerations and issues
19 that are part of the decision making process and to allow
20 the decision makers and the public to be completely informed
21 about the process. NEPA is not just a law that requires
22 Procedure for procedure sake. It's a law that, if
23 implemented properly, is intended to lead to good decisions
24 and we don't think that the Environmental Impact Statement
25 in its current format will do that. We are - there are

1 others who feel the same way and let me read you a quote
2 from the US EPA Region Five's letter to the Corp of
3 Engineers commenting on the Environmental Impact Statement
4 for Fort Harrison, which used the same particular format and
5 I quote: we recommend in the strongest possible terms that
6 the use of the generic intensity level methodology be
7 discontinued unless and until its validity, adequacy and
8 appropriateness is demonstrated to the satisfaction of the
9 US EPA and we would concur with that conclusion. Let me
10 also quote here the NEPA regulations in their description of
11 what's required in an Environmental Impact Statement. In
12 the discussion of the alternatives section, which is called
13 the heart of the Environmental Impact Statement, this part
14 of the EIS should sharply define the issues and provide a
15 clear basis for choice among options by the decision maker
16 and the public and in this section agencies shall rigorously
17 explore and objectively evaluate all reasonable alternatives
18 and for alternatives which were eliminated from detailed
19 study briefly discuss the reasons for their having been
20 eliminated and devote substantial treatment to each
21 alternative considered in detail, including the proposed
22 action so that reviewers may evaluate their comparative
23 merits. That is what we need to have from an Environmental
24 Impact Statement to lead to the purpose of NEPA, which is
25 good decision making.

1 We feel that the document is incomplete in its
2 descriptions and consideration of the environment -
3 environmental values that relate to Jefferson Proving
4 Ground; particularly its regional biological significance of
5 the habitats and wildlife that are found there and the
6 effects if this habitat is lost that there needs to be a
7 more complete discussion of the economic issues that looks
8 more at the regional economic picture, including the
9 availability of land throughout the region for private
10 development and the more complete discussion and analysis of
11 the impacts of specific re-use options which are pretty well
12 known and have been discussed now for several years through
13 the work of the Regional Development Board and this would
14 include the environmental and economic impacts of
15 agri-business development in the northern end of the proving
16 ground, the impacts of development and suitability of the
17 land for citing a solid waste landfill and other industrial
18 developments and a more complete development analysis as was
19 mentioned earlier of the long term environmental
20 considerations there such as the depleted uranium and the
21 UXO and the need for continued monitoring of potential
22 environmental threats and in terms of ground water and
23 surface water monitoring.

24 We believe that contrary to the assertion of the
25 EIS that the disposal decision is intimately related to the

1 re-use decision since the Army's decision on transfer of the
2 property of the Fish and Wildlife Service and its decision
3 already made to surplus certain parts of the property are
4 going to - being made as part of the disposal decision
5 itself.

6 And finally to conclude, we would say that if the
7 Environmental Impact Statement does go back and meet the
8 spirit and intent of NEPA in completely analyzing all the
9 considerations that are involved with the disposal and
10 re-use of JPG, that a good decision and a good outcome is
11 much more likely and we believe that decision and conclusion
12 would be that the - all of the lands North of the firing
13 line should become a National Wildlife Refuge. Thank you.

14

15 MR. DAVIDSON: Is there anyone else in the audience
16 who is interested in making a verbal comment tonight?
17 Please come forward. Give your name and spell it for the
18 reporter, please.

19 DR. EID: My name is Bobby Eid - E-i-d, and I'm
20 with the US Nuclear Regulatory Commission Division of waste
21 Management. I would like to add some more comments on the
22 EIS. The first comment I would like to have is to bring
23 attention of the authors to consider the environmental
24 monitoring and characterization (inaudible). As you know,
25 the U. S. Army conducted for the last ten (10) years or

1 eleven (11) years environmental monitoring and analysis of
2 samples related to soil, ground water and surface water; and
3 my suggestion if this analysis - data is analyzed and
4 conclude the analysis and the results are (inaudible)
5 included in order to assist potential contamination of the
6 enviromental media - potential transport of contaminant,
7 this would be a great improvement to the EIS. The other
8 comment I would like to have is related to the UXO
9 contamination and the cost of remediation. It is mentioned
10 somehow in the EIS about - some number of the cost of UXO's
11 and from the point of view of the DU - depleted uranium on
12 the site, the major issue is the presence of the UXO along
13 with the DU and this is one of the major obstacles actually
14 in the clean up of the DU. In the environmental impact
15 analysis, typically one could analyze the risk and the cost
16 in terms of the clean up of the UXO's and then the clean up
17 of the DU's. If this could be (inaudible) with some figures
18 and analysis and some data based on the U. S. Army's
19 experience and even if this report which is quoted, the EIS
20 could be explained to the public in order to show what kind
21 of cost and benefits related to the risk that could be
22 sustained from having the DU and the UXO together not to be
23 cleaned up to be left on site.

24 Another point I would like to make is related to
25 the risk and cost impact analysis. I would like to

1 congratulate those who prepared the EIS. It is very well
2 prepared to comment and I admire those people who prepared
3 it; however, it lacks specificity. It lacks details. It
4 lacks some kind of quantitative approach in order for the
5 public to understand what are the issues and, in order to
6 select the choices - in other words to select choice x or
7 choice y based on risk, based on cost and based on
8 benefits. Unfortunately, this is actually a disquantitative
9 approach is lacking in the EIS; so my suggestion that if
10 there can be some more quantitative approach related to the
11 risk and cost impact analysis, how much is the risk related
12 to the DU in terms of the dose to the public, dose to the
13 workers and the risk from the clean up in terms of number
14 and then the cost and then what are the obstacles from the
15 clean up so it would be more clear than this is the best we
16 can have considering the cost and the risk.

17 As far as I know, the U. S. Army contracted -
18 contracted to conduct those at risk analysis for JPG
19 although those impact analysis - they are preliminary and
20 they are based on rough estimates; still they can be refined
21 and they can be included in more detail in the EIS.

22 The other point I would like to make, the EIS does not discuss
23 in detail aspects of mitigation and mitigation technologies, . Maybe one
24 of the obstacles is to find the appropriate technology in order to clean
25 the UXO's and the

1 DU. This is not spelled out in detail in the EIS; so the U.
2 S. Army is aware of military technology and could also be a
3 peek of industrial technology if it can be used for clean up
4 of the UXO's and subsequently clean up of the DU'. So I
5 would like to see more discussion of these technologies in
6 addition to mitigation technologies that possibly can be
7 used and some cost estimates also could be provided.

8 Another important issue which is the - Mike has
9 touched on but I would like to add more, which is the
10 potential for transport of contaminants. This is very
11 important issue and, based on the EIS - for example in
12 Section 4.15, it does not refer to any analysis of the
13 environmental media. All that we know is that (inaudible)
14 has been generated on that; so, in addition, would like to know -
15 to say clearly whether there is contamination or
16 there is no contamination based on accurate analysis and then
17 subsequent if there is a need for remediation/ I think that is
18 the cost of such remediation would be cumbersome to do it.

19 MR. DAVIDSON: Your five minutes have
20 passed.

21 DR. EID: So are you just - you know, one - two last
22 points I would like to make if you could allow me. So therefore, I
23 would like to - if you can address more, it does not also describe
24 what kind of contamination in the environment (inaudible) in
25 surface water or ground water.

1 Assume even if there is low contamination in surface water
2 and ground water, we need to make prediction of what is the
3 potential transport in the future based on modeling of the
4 contaminant transport in this (inaudible) and, as you know,

5 there are some modeling approaches you can - and then you can
6 support your assumption that there will be no contamination
7 in the future near the boundary at least of the DU impact
8 area.

9 I would like to - last comments I would like to
10 make because of the lack of time is the land use
11 restriction, institution and control. It is good if the
12 EIS considered assuming that the institution control failed
13 because of any reason - because of mistakes, because of any
14 reason - it is good to make some sort of assessment in such
15 kind of failure or (inaudible) in the institution of control
16 system. What kind of impact to the property could be faced
17 and also, after removal of the - when there is no
18 institution of control after a hundred years - a thousand
19 years, what kind of impasse could take place?

20 The last point I would like to make is the under the
21 encumbered disposal option, the EIS relies on land use
22 restriction and the limited use of the property for the
23 safety of the public. So - describing the proposed controls
24 in greater detail could be more advantageous - could really
25 add more to the improvement of the EIS - if can be more - a

1 better description of the kind of controls that can be
2 managed on the site. I thank you.
3 MR. DAVIDSON: Thank you. All right. I understand
4 there is no more interest in making verbal comments
5 tonight. That brings the hearing to a conclusion then. I
6 want to assure you again that each of these verbal comments
7 tonight, as well as all written comments, will be documented
8 in the Final Impact Statement along with an official Army
9 response to each. I thank you for your time. It's been a
10 pleasure to be here.

11

12

13 CONCLUSION OF MEETING

14

15 STATE OF INDIANA)
16 COUNTY OF JEFFERSON)

17 I, Lois Jackson, do hereby certify that I am a
18 Notary Public in and for the County of Jefferson, State of
19 Indiana, duly authorized and qualified to administer oaths:
20 That the foregoing meeting was taken by me in shorthand and
21 on a tape recorder on April 25, 1995, at the Salvation Army

22 Building, 323 East Main Street, Madison, Indiana.

23 I further certify that I am neither of counsel nor
24 attorney at any party in said matter nor interested in the
25 event of this meeting.

1 WITNESS my hand and Notarial Seal this 4th day of
2 May, 1995

4 LOIS JACKSON, NOTARY PUBLIC
5 My Commission Expires:
September 2, 1998

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*Disposal and Reuse
of the
Jefferson Proving Ground
(JPG)
Madison, Indiana*

*Mr. James Davidson
U.S. Army Materiel Command*



AGENDA

- ♦ *Welcome and Introduction*
- ♦ *Purpose of public hearing*
- ♦ *Overview of the BRAC and NEPA
requirement for JPG*
- ♦ *Overview of the EIS*
- ♦ *Comment period*
- ♦ *Closing remarks*



PURPOSE OF HEARING

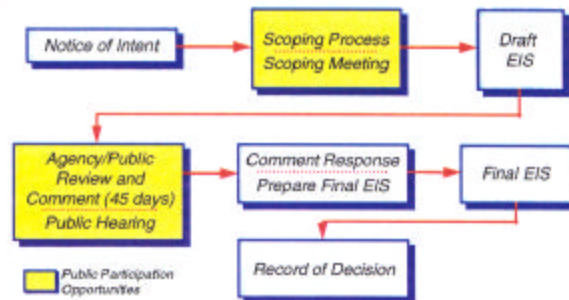
- ♦ *Describe the role of the National Environmental Policy Act (NEPA) in the Base Realignment and Closure (BRAC) process*
- ♦ *Provide an overview of the Draft Environmental Impact Statement (DEIS)*
- ♦ *Provide an opportunity for public comment on the DEIS*



ROLE OF NEPA IN BRAC

- ♦ *JPG will close by September 30, 1995 as required by the Defense Authorization Amendments and the BRAC Commission*
- ♦ *The real property will become excess to DOD needs and be disposed thereafter*
- ♦ *NEPA requires that all major federal actions (including property disposal) must consider consequences to the natural & human environment prior to taking action*
- ♦ *This EIS will serve as a decision making tool in determining how the property will be disposed*

THE EIS PROCESS




PURPOSE OF EIS

- ♦ *Analyzes potential for significant impacts to human and natural environment from implementation of proposed action and alternatives*
- ♦ *Identifies unknowns and uncertainties associated with the environmental issues*
- ♦ *Provides early and broad input to decision makers*



SCOPING FOR JPG

- ♦ *Scoping Meeting held February 11, 1993*
- ♦ *Individuals and organizations participated by:*
 - *Attending public scoping meeting and providing comments*
 - *Submitting written comments to the U.S. Army Materiel Command*



FORMAT OF EIS

- ♦ *Chapter 1.0 Purpose, Need, and Scope*
- ♦ *Chapter 2.0 Proposed Action*
- ♦ *Chapter 3.0 Alternatives*
- ♦ *Chapter 4.0 Affected Environment*
- ♦ *Chapter 5.0 Environmental & Socioeconomic Consequences*
- ♦ *Chapter 6.0 List of Preparers*
- ♦ *Chapter 7.0 Distribution List*
- ♦ *Chapter 8.0 References*



PROPOSED ACTION

- ♦ *The Disposal of excess federal property made available by the closure of JPG, consisting of land and buildings*
- ♦ *There are 3 alternatives for disposal:*
 - *Encumbered Disposal*
 - *Unencumbered Disposal*
 - *Caretaker Status (No-Action)*

Continued...



PROPOSED ACTION

- ♦ *Secondary and subsequent to the disposal action is reuse of the property.*
- ♦ *Three levels of reuse activity have been analyzed:*
 - *High Intensity (large office complex, light industrial, multi-dwelling residential...)*
 - *Medium Intensity (offices, single family residential, community facilities...)*
 - *Low Intensity (Wildlife preserve/open space)*



RESOURCES STUDIED

- ♦ *Land Use*
- ♦ *Socioeconomics & Community Facilities*
- ♦ *Public Health & Safety*
- ♦ *Utilities and Solid Waste*
- ♦ *Visual Resources*
- ♦ *Cultural Resources*
- ♦ *Traffic & Transportation*

Continued...



RESOURCES STUDIED

- ♦ *Noise*
- ♦ *Air Quality*
- ♦ *Geology, Soils, & Topography*
- ♦ *Biological Resources*
- ♦ *Water Resources*
- ♦ *Hazardous Materials & Wastes*



DECISION TO BE MADE

- ♦ *How best to proceed with the Proposed Action*
The disposal of excess property at JPG utilizing one of the following title transfer methods:
 - *Encumbered transfer of property title*
 - *Unencumbered transfer of property title*

or

Place JPG into Caretaker Status (No-Action)



PROPOSED SCHEDULE

- ♦ *Comment period ends - May 15, 1995*
- ♦ *Final EIS available - Late July/Early August*
- ♦ *Record of Decision available - Late August/Early September 1995*
- ♦ *Proceed with disposal - Not earlier than September 30, 1995*



ADMINISTRATIVE POINT

- ♦ *Please register to make verbal comments at this meeting*
- ♦ *Written comments will be accepted today or by mail (post marked by May 15, 1995) at the following address:*

*Mr. James Davidson
HQ U.S. Army Materiel Command
3301 Eisenhower Avenue
Alexandria, Virginia 22304-0001*

- ♦ *A copy of this presentation will accompany the public hearing transcript in the Final EIS*



CLOSING

*All comments, whether written or verbal,
will be given the same consideration
and will be addressed
in the public record.*



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

FWS ARW-WAMZ

MAY 15 1995

Mr. James Davidson
Headquarters
U.S. Materiel Command
1005 Eisenhower Avenue
Alexandria, Virginia 22333-0001

Dear Mr. Davidson:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Disposal And Reuse of the Jefferson Proving Ground (JPG) in Madison, Indiana, dated February 1995.

General Comments:

The Service generally supports the encumbered disposal alternative as many of the potential land use restrictions are consistent with the establishment and management of a national wildlife refuge. However, as a Federal agency that has expressed formal interest in transfer and management of approximately 47,000 acres of the JPG, we have several concerns with contamination (unexploded ordnance (UXO), and other hazardous materials and hazardous wastes) of the property and the extent of future clean up activities.

The Encumbered Alternative implies limited or no clean up activities, while the Unencumbered Alternative implies full clean up. Contamination studies for the proposed national wildlife refuge lands (Study Area 1), north of the firing line, have been deferred (pages 2-5) or have not been completed as in the case of UXO. Because of the lack of information on the extent and type of contamination on lands north of the firing line, the Service, while supporting the Encumbered Alternative, is not agreeing that clean up will be limited or unnecessary. (15)

Clean up and Remediation

There is confusion regarding the issue of clean up and remediation within this document. The DEIS states that the decisions regarding clean up and remediation are separate from this Environmental Impact Statement (EIS) Section 1.4.7. However, the alternative analysis clearly looks at clean up as a basis for the action and no action alternatives. Please explain if the decision to clean up is separate from this EIS process and if it is, provide justification for that decision. Furthermore, since clean up would constitute a major Federal action, what National Environmental Protection Act (NEPA) process would cover such action? (16)

Mr. James Davidson

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During your scoping process, clean up concerns were mentioned by the public as an issue. Based on this, additional information should be provided in the EIS describing UXO contamination, clean up options, who is responsible, funding sources prior to transfer and after transfer, and the total amount of receiving clean up dollars at JPG in the next 5 years. All of these factors should be discussed for each alternative including the no action alternative. Future clean up activities will have a major impact on the Army's ability to dispose of the property, as well as, restrict future uses of the land. (17)

Federal to Federal Transfer

Because of the national wildlife refuge proposal, a major portion of JPG is proposed as a Federal to Federal transfer of land where transfer is by jurisdiction not by deed. The DEIS is deficient in explaining situations and encumbrances that would be different under the Federal to Federal transfer. In the Final EIS, provide information to clarify the Federal to Federal transfer in appropriate locations throughout the document including the discussion on encumbrances, pages 3-2 and 3-3, references to Environmental Protection Act certification and the discussion on hazardous waste in section 3.4.14. (18)

Public Health and Safety

Under the Encumbered Alternative, the Army has determined that most UXO clean up north of the firing line is not financially or technically feasible. This being the case, we believe that the responsibility for public safety related to UXO should remain with the Army under the Encumbered Disposal Alternative. The Service is unwilling to assume responsibility for public safety given the unknown/unfamiliar nature of the hazards caused by UXO or any other hazardous substances either known or unknown. Clearly, the Army should retain full liability and responsibility for all prior military use. The Encumbered Alternative will require an ongoing need for site security to protect public health and safety. The hazard of UXO, as well as the need to maintain site security, should be stated in the Consequences Section. (19)

Under the Encumbered Alternative, the transfer of land may be delayed due to hazardous waste or UXO remediation requirements. During this time, it is not clear if the Army will maintain site security and safety as mentioned under the caretaker alternative. Please clarify under appropriate sections. (20)

Specific Comments:

Endangered Species

Section 1.5.2, page 1-8, clearly and accurately outlines the Section 7 consultation process under the Endangered Species Act of 1973, as amended (ESA). Figure 2-3 on page 2-4 indicates that Section 7 consultation was completed in July 1994. Section 2.2.5, page 2-6, implies that the document "Jefferson Proving Ground Fish and Wildlife Management Plan, September 1994" (FWS 1994) constitutes the completion of formal consultation under Section 7 of the ESA. To date, no Section 7 consultation has occurred concerning the disposal and reuse of JPG and the Final EIS should clearly indicate that

Mr. James Davidson

3.

status. If the habitat protection guidelines in FWS 1994 for the Indiana bat
Myotis sodalis are followed, no further consultation is necessary for the
disposal and reuse of UXO as required under Section 7 of the ESA. If those
guidelines cannot be met please contact the Bloomington, Indiana Field Office
to initiate consultation, and if new information on endangered species at the
site becomes available or if project plans are changed significantly, please
contact our office for further consultation. (21)

Executive Orders

Section 1.5.2 fails to address two Executive Orders that are relevant to the
closure and reuse of JPG: Executive Order 11988 - Floodplain Management and
Executive Order 11990 - Protection of Wetlands. The Final EIS should include
a discussion of compliance of the disposal alternatives with these Executive
Orders. (22)

Encumbrances

Section 3.3.4 lists and Section 4.15 defines the nine encumbrances proposed
for the preferred alternative of disposal. If the Army intends to incorporate
the habitat protection measures for the Indiana bat discussed in the preceding
Endangered Species comments, a tenth encumbrance, Endangered Species, should
be added and defined. The "Reversionary Clauses" encumbrance only reflects a
portion of the negotiated restrictive covenants. A major portion of Study
Area 5 cannot be developed due to its proximity to Old Timbers Lake and no
disturbance of any kind may occur, in all Study Areas except 2, prior to
development, are just two examples. The Reversionary Clause encumbrance
discussion should be expanded in the Final EIS to indicate that several other
restrictions have been established. Those changes should then be reflected
throughout the document in pertinent Sections such as 2.4.1 and 5.4.12. (23)

Under the UXO encumbrance, the DEIS indicates that restrictive covenants in
transfer documents may prohibit terrain disruptive activities. It is our
understanding that the Army/Department of Defense safety policy would also
restrict recreational activities particularly in high hazard areas. Provide
further discussion on Army safety policy on UXO and how it would affect future
reuse at JPG. (24)

Aquatic Resource

The discussion of aquatic resources on page 4-30 indicates that Appendix F
contains a species list of mussels found in Otter Creek. However, that list
is not included in the DEIS. (25)

Biological and Water Resources

In Section 5.4.12 and 5.4.13 and in table 5-2b it is stated that under the
Encumbered Alternative all indirect impacts will be beneficial. It is not
known what environmental impacts there could be by leaving the majority of UXO
in place. To claim beneficial impacts is misleading. We suggest the document
be changed to no impact or unknown impact. Preliminary biological surveys
indicate that the presence of UXO has not had a negative impact on terrestrial
resources. (26)

(27)

Mr. James Davidson

4.

and aquatic organisms. However, a complete characterization of UXO or a comprehensive survey of biological resources has not been completed for lands north of the firing line and further research in these areas is needed.

Section 5.9.12 states that due to the built-up conditions at Study Area 2 high intensity use would not cause direct impacts on biological resources. The grassland associated with the abandoned airfield provide excellent habitat for grassland bird species including the grasshopper sparrow and the Federal candidate Heron's sparrow. In addition, hundreds of acres of forested wetland occur within Study Area 2.

(28)

Cultural Resources

Page 4-15. Please clarify who determined the archeological sites ineligible for the National Register: the contract archeologist, the Army, or the State Historical Preservation Officer? If determination was made by just the contractor and the Army, it is not definitive.

(29)

Page 4-18. A Cultural Resource Management Plan designed to integrate historic preservation with "Army mission and programs" has limited utility once JPS passes out of Army control. Apparently, this purpose derives from the Memorandum of Agreement (MOA) and is, therefore, not amenable to change in the DEIS.

(30)

Page 4-18. The MOA might specify transfer of historic preservation responsibilities to a succeeding Federal agency (i.e., Service), but the Service is not required to accept whatever responsibilities the Army wants to pass on. Only the signatory parties to the MOA are bound to its terms.

(31)

Page 5-7. The MOA (reference page 4-18) provides for "interim protection of historic properties," but not for preservation or maintenance of those properties. Thus custodial status (the no action alternative) could result in direct adverse impact to standing structures (bridges, schoolhouse, lodge, etc.) from insufficient maintenance.

(32)

Cumulative Impacts

Page 5-11, 5.6, states the UXO creates a "safe haven" for wildlife and plant species. It should also state that because of the need to maintain the perimeter fence for site security and the restrictions UXO may place on deer hunting in certain areas, wildlife and plant species can become damaged by high deer populations unless they are controlled.

(33)

Distribution List

The address listed on page 7-1 for the Bloomington office of the Fish and Wildlife Service is incorrect, the correct address is:

Supervisor
U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 47404

(34)

Mr. James Davidson

5

Appendix B - Reuse Plan

Page 5 - Federal Revenue Sharing payments that would be made to the counties
in lieu of taxes are not mentioned in the economic benefits associated with
the national wildlife refuge proposal.

(35)

Conclusions

As expressed in the public meeting on April 25, 1995, the Service continues to be interested in protecting the natural resource values of the JFC. As also stated, the Service's Preliminary Concept Plan (Plan) in Appendix C is no longer valid and should be withdrawn from the Final EIS. We ask for the Plan to be withdrawn because it is premature to make any public use and management statements until there is a better understanding of the safety and liability issues related to UXO.

(36)

We appreciate the opportunity to review the document and provide comments.

Sincerely,


John Christian
Acting Regional Director



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317 232 4601
Environmental Helpline 1 800 451 6047

May 23, 1995

Mr. James Davidson
U.S. Army Material Command
ATTN: AMCSO
5001 Eisenhower Avenue
Alexandria, Virginia 22333-001

Dear Mr. Davidson:

Re: Review of the Draft Environmental
Impact Statement for Disposal and
Reuse of the Jefferson Proving
Ground, February 1995

SPECIFIC COMMENTS

Page 1-6, Section 1.5.2, 1st Bullet:

In a letter dated April 19, 1994, IDEM did not concur with the CERFA Report. IDEM staff do not agree that the environmental condition of the facility has been adequately determined by the JPG CERFA Report.

Section 120(h) requires State concurrence of the CERFA Report for real property not on the National Priorities List (NPL). JPG is not an NPL site and therefore, the CERFA Report requires concurrence by IDEM.

Page 2-5, Section 2.2.3, 1st Bullet:

It should be stated that IDEM and EPA staff have found inconsistencies with the Army's analytical protocols that bring into question the validity of the JPG RI data quality. The Army is conducting a data validation effort. IDEM and EPA staff are reconsidering the usefulness of this data and providing oversight for the validation process.

This paragraph states, "RI/FS activities north of the firing line have been deferred pending more definitive land use planning." IDEM staff are deeply concerned with the failure of the SIS to address our concerns north of the firing line. IDEM staff have commented on numerous occasions of the need for an environmental investigation north of the firing line. The Army needs to address concerns associated with UXO north of the firing line which include the contamination of soil and groundwater. Potential contaminants include heavy metals and explosive residues from cracked and leaking shell cases. Additionally, the extent of contamination posed by numerous solid and hazardous waste management units north of the firing line has not been investigated.

Mr. James Davidson
Page 2
May 23, 1995

Page 2-7, Section 2.2.6, 2nd Paragraph:

The State is the lead regulatory agency for non-NPL sites. Approval by IDEM is also required. (40)

Page 2-10, Section 2.3, 2nd Paragraph:

With limited security under Caretaker Status is the likelihood of increased poaching and trespassing a concern? (41)

Page 2-10, Section 2.4.1, 2nd Paragraph:

Analysis of potential environmental impacts is facilitated by dividing the JPG into study areas. How can an environmental impact be formulated for Study Area 1 (Wildlife Refuge) when there has been no environmental investigation north of the firing line? (42)

Page 3-3, Section 3.3.2, 2nd Bullet:

In the discussion of "Encumbered Areas", it needs to be specified that continued monitoring of known problem areas is included in "Remediation Activities." Although landfills are mentioned, other problem areas that need monitoring, such as the DU impact area, are not. (43)

Page 4-13, Section 4.5.6, 2nd Paragraph:

The area south of the firing line potentially contains significant amounts of UXO. The Army has not demonstrated that the southern portion of the facility is clear of UXO. (44)

Page 4-17, Section 4.13.2, 1st Paragraph:

The Remedial Investigation/Feasibility Study should be referred to as the RI/FS South of the Firing Line. (45)

Page 4-17, Section 4.14.1, 2nd Paragraph:

This section should include a description of RCRA closure activities currently being conducted at building 305. The approved closure plan is dated May 1992. No closure work has been completed to date, and should be addressed in the DEIS. (46)

Page 4-18, Section 4.14.2, 1st Paragraph:

It should be stated that IDEM and EPA have not concurred with the findings of the JPG CERFA Report. (47)

Page 4-19, Section 4.14.2, 1st:

"As of the close of 1994, the draft report was under review by State of Indiana environmental officials." This statement is incorrect.

James Davidson
Page 3
May 23, 1995

In a letter dated April 19, 1994, IDEM did not concur with the CERFA Report, nor were comments adequately addressed. In a letter dated January 17, 1995, IDEM reviewed the Army's responses to IDEM's comments on the draft CERFA Report. IDEM requested a meeting to resolve outstanding issues. To date, the Army has not responded to IDEM's January 17, 1995, comment letter. (48)

Page 4-40, Section 4.14.3, 1st Paragraph:

In addition to a safety hazard, UXO can also be an environmental hazard with the possibility to contaminate soil, surface water and groundwater. (49)

Page 4-45, Section 4.14.1, 1st Paragraph:

The data used for the various ratings and evaluations is not included. For instance, the report mentions that the exposure dose for the BU Impact area would be 110 millirems per year, but does not provide the background data, calculations, and assumptions that produced this number. (50)

Page 4-47, Section 4.15, 1st Paragraph:

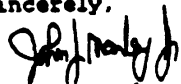
Who will be responsible for continued site and groundwater monitoring? (51)

General Comments

IDEM staff believe this study does not propose a comprehensive environmental investigation of the site and summarily defers major environmental concerns to later, unspecified investigations. The Army currently has no plans to conduct an environmental investigation north of the firing line. There is a lack of pertinent data concerning the extent of contamination posed by UXO and the solid and hazardous waste management units located north of the firing line. The DEIS is incomplete and leaves significant environmental concerns unaddressed. (52)

Thank you for the opportunity to review the Draft Environmental Impact Statement. If you have any questions please contact me at (317) 233-6425.

Sincerely,



John J. Manley Jr., Project Manager
Defense Environmental Restoration Program
Office of Environmental Response

JJM: mg
cc: R. Osborn
K. Mason-Smith
K. Quirk
P. Cloud

May 12, 1995

Jefferson Proving Ground
Local Redevelopment Authority
Jefferson County Courthouse
200 E. Main Street
Room 103
Madison, IN 47250

Mr. Jim Davidson
US Army Materiel Command
ATTN: AMCSO
5001 Eisenhower Avenue
Alexandria, Virginia 22333-0001

Dear Mr. Davidson:

To start my comments, this DRAFT ENVIRONMENTAL IMPACT STATEMENT, FEBRUARY 1995 and the process by which it was prepared is unsatisfactory, unacceptable and seemingly does not meet the requirements of Army Regulation 200-2 and the National Environmental Policy Act.

Attached are letters submitted by Dave Daghir Chairman of the Jefferson Proving Ground Regional Development Board (JPGRDB) and Bob Grewe, Redevelopment Coordinator for the JPGRDB.

Mr. Daghir's March 15, 1994 letter to Mr. Paul Johnson indicated concern about the preparation of the EIS and subsequently requested cooperating agency status be provided to the JPGRDB per NEPA guidelines.

Grewe's August 18, 1994 letter to Paul Johnson refers to Daghir's March 15 letter. Grewe indicated that if the JPGRDB does not hear from Mr. Johnson as to the cooperating agency status request, the JPGRDB will contact Mr. Ray Clark with the Council of Environmental Quality for further guidance on how the community can participate in the EIS process.

Because of a seemingly clear disinterest on the part of the Army in providing any level of community engagement into the EIS preparation, no further correspondence was submitted. After reading the Draft EIS it seems clear to me why the Army did not want the community involved. This document does not address reuse concerns or impacts, only disposal considerations and very little at that. Had the community known in advance the scope of the EIS, we certainly would have indicated long before now our concern over the matter.

That leads to another concern regarding the EIS process. Mr. Bob Jameson held a "scoping meeting" in February of 1993. This scoping meeting only requested input from the public on reuse alternatives. (53) At no time during the meeting or since has the community been informed as to the scope of the EIS. This process (scoping) determines the scope of issues to address in the EIS and identifies the significant issues related to the proposed action. This is taken from Army Reg. 200-2. Clearly this February 1993 scoping meeting did not meet the necessary requirements and did not give the community an opportunity to provide input and gain an understanding of this EIS format.

The following are comments from the Executive Summary section.

The introduction states the EIS will examine impacts resulting from the disposal and reuse of the JPG.

However, the proposed action states that the proposed action analyzed in this EIS is the "disposal" of the JPG and that reuse is to be analyzed only as a secondary and cumulative impact of disposal and further that reuse is a direct action of other federal, state and local and private entities. This is unacceptable. The proposed action analyzed in the EIS should be the community reuse plan. (54)

Does this proposed action of "disposal" and not reuse meet the NEPA guidelines? (55)

The Draft claims the Army has identified three alternatives to disposal. They are as follows:

1. No Action
2. Encumbered disposal
3. Unencumbered disposal

The Army's preferred alternative being encumbered disposal.

If for some reason the Army continues to use the alternatives in preparing the EIS, it must be made clear and provided in great detail as to what the encumbrances are for individual parcels. Also the details of the encumbrances. General statements regarding those outlined on pages 4-46 - 4-48 or unacceptable and cannot provide the community an appreciation or understanding of the impact of encumbrances on reuse of JPG property.

(56)

It was my understanding that the preferred alternative to be considered within the EIS is the community's JPG reuse plan. Is this not the directive given at previous meetings by both the Army and OSD? Why is only the disposal action being considered? Is this consistent with NEPA guidelines?

(57)

(58)

Why bother to even mention the community reuse plan in the EIS if it has no bearing on the outcome of the Record of Decision (ROD)? The community was informed at a recent Restoration Advisory Board meeting that the ROD will state that the Army will decide to take no action or dispose of the property with encumbrances or unencumbered. If there is more to Army's decision-making that will be included in the ROD, the community needs to know in great detail what that will be.

(59)

How can you state on page ES-3, 2nd paragraph under Environmental and Socioeconomic Consequences that quote "There will be no significant impacts in connection with any of the three disposal alternatives"? The sentence above you stated there would be a variety of short and long term adverse impacts. Removing 50,000 acres from a region's economy for perpetuity will have immeasurable environmental and socioeconomic impacts!

(60)

Why does the following paragraph 3 only address direct adverse impacts of impact on parcels? Aren't positive impacts worthy of being included in the Executive Summary?

The next paragraph 4 states that the proposed action of disposal would not contribute to significant cumulative impacts. Clearly the disposal of land with limitations will have a great impact in terms of the likelihood of it being productive in terms of community/economic development. Once again it is imperative that these encumbrances be addressed in detail.

(61)

Under the mitigation section it is interesting to note the phrase "compensate for adverse impacts" in the first sentence. Will the Army consider compensating Jefferson, Jennings and Ripley County for lost development community/economic opportunity due to the inability to reuse nearly 50,000 acres of land due UXO contamination?

(62)

Caretaker as a word and activity needs to more clearly defined for the purposes of this document. It is referenced throughout. This document seems to indicate that caretaker services will be provided after September 30, 1995 closure. JPG officials have indicated to the community that no caretaker will be provided after closure and no funds are provided or budgeted for these expenses. (63) (64)

Paragraph 3 under mitigation mentioned the counties' redevelopment authorities, this should be amended to reflect the creation of a single development authority, the Jefferson Proving Ground Local Redevelopment Authority (JPGLRA). (65)

In this same paragraph, what is the significance of identifying buildings not having interdependent utilities systems? Is this identification being coordinated with the JPGLRA? (66)

The following are comments relating to the balance of the DRAFT EIS.

Page 1-6
The community takes exception to the statement that the Army has taken an active role in providing local community assistance. Clearly the persons at JPG have been extremely accommodating. However the Army has not provided the community any level of assistance. They indicated community involvement in providing caretaker services was illegal, which is surprising since other communities are engaged in such activities. The Army did not follow through on a commitment that the community would enter into a cooperative agreement for the reuse and marketing of JPG. Finally the methods used by the Army to diminish the objectives and goals of the community's reuse plan are questionable. (67)

Within paragraph 1.5.1.4 the language used to discuss economic development conveyance should reflect verbatim that used within the Interim Final Rule to avoid confusion and interpretation by readers and evaluators. (68)

Page 2-1
Once again there is concern on the part of the community that reuse is not being considered. Other concerns is why the Army is using multiple intensities for evaluation when they have the community reuse plan for "the alternative". (69)

The community also has concern about the lack of detail describing the encumbrances. This lack of detail cannot allow or provide for a full evaluation of the impact of the encumbered disposal alternative. (70)

Page 2-5

First paragraph references the RI and comments received from the State of Indiana and EPA. It is the understanding of the community that the State of Indiana, Department of Environmental Management (IDEM) and EPA did not approve or concur with the RI and may in fact have had significant disagreement regarding the content and preparation of the RI. Should this be the case, such disagreement and comments should be noted and addressed in detail herein. (71)

Also noted in this paragraph is that RI/FS activities north of the firing line have been deferred pending more definitive land use planning. This is unacceptable and has been since nothing was noted in the EIS for closure about the area north of the firing line. This EIS cannot be complete without detailed evaluation and analysis of the threat UXO and related mission waste have been fully evaluated. Figure 4-11a indicated a number of CERFA parcels north of the firing line, yet no RI activities have been initiated. The Mason-Hanger JPG Cleanup and Reuse Options lists in great detail the constituents and byproducts of the various propellants and explosives used at JPG and notes the potential for contamination should such materials migrate. An RI/FS and ROD for the area north of the firing must be completed to assure that the community's health is not at risk and there is no need for more definitive land use planning prior to initiating this activity. (72)

Page 2-7

First paragraph should note the need to preserve or in many cases identify utility easements at JPG. (73)

Page 2-8

First paragraph under state and local screening, the Army should remember that Title XXIX states that the EDC should be used only when other federal disposal authorities for the "intended" land use cannot be used to accomplish the necessary economic redevelopment. It would be important to note within the EIS what constitutes the "intended" land use. The community would charge that intended land uses are spelled out in the reuse plan. The Army to date however in discussing their intentions with the community avoid the term "intended" land use and instead simply state that the EDC can be used only when no other federal disposal mechanism is available, period. Intended land use should be identified and agreed upon by the community as part of this EIS document. Without this agreed upon identification, it gives the Army the freedom to act without regard of the communities land use interest and will provide cause of zoning and land use problems later. (74)

Page 2-9

Paragraph 2.2.7. the JPCRDB was formed January 1993 not September, 1993. (75)

Appendix B, copies of the community reuse plan and addendum are poor quality. The JPGLRA can provide better quality copies to be incorporated in the revised EIS.

The section on Caretaker Status is completely unacceptable. The community has been told that not a single dollar is available for caretaker services after September 30, 1995. This EIS must be revised to reflect the fact that no caretaker services will be provided or the Army must inform the community as to their plans for a level of caretaker services. This inconsistency on this important subject is unacceptable and makes the EIS unacceptable as well. (78)

Because of this inconsistency, the community cannot accept any of the evaluation and analysis regarding the NO ACTION alternative discussed within the DRAFT EIS.

Page 3-1
3.2 NO ACTION ALTERNATIVE is unacceptable. Please note the reasons listed above.

Page 3-2
3.2.2. until these encumbrances are defined in greater detail and identified as to which parcels they apply to this section is unacceptable. Without such information it is impossible to determine the impact of such a disposal action. (79)

Page 3-9
Top paragraph indicates that the Army will find it necessary to implement caretaker actions for some period of time. This is unacceptable language if no such caretaker arrangement is contemplated by the Army. (80)

Page 4-6
Table 4-2 on per capita income needs to address whether or not the dollars are current or constant (have they been adjusted for inflation). This can have an impact on the summary statement about having a strong regional economy and healthy growth. (81)

Page 4-10
4.2.2 Fire Protection section needs to define what constitutes a fire protection requirement. Also the fact that because JPC makes up such a large portion of Monroe Township and limits the available tax dollars and subsequent ability of Monroe Township to effectively fund a volunteer fire fighting service should be noted. In the past JPC has provided fire fighting service for citizens of Monroe Township. (82)

Page 4-12

4.5.3 notes that the caretaker will be responsible for implementing Stormwater Pollution Prevention Plan. In light of the community's understanding that no caretaker services will be provided, who will be responsible for implementing this stormwater plan? (83)

4.5.5. should address and evaluate the need to possibly retro-fit electrical service across the installation and to buildings and facilities to facilitate reuse. (84)

Page 4-13

4.5.6. paragraph 2 notes that there is no reason to believe that there is any unexploded ordnance in landfills south of the firing line. Now can this statement be used without any data, evaluation or analysis to back it up. This is completely unacceptable. The risk of UXO in landfills south of the firing line is a very real concern and its likelihood, because of the nature of the JPG mission is great. (85)

There is also reason to believe that UXO is likely to exist at other areas south of the firing line. A complete investigation as to the presence of UXO south of the firing line should be completed and included as part of this EIS documentation. (86)

Paragraph 5 notes that ash from an incinerator was placed in landfill at Engineers Road. Analysis as to the composition and potential hazardous nature of this ash should be addressed. (87)

Page 4-36

4.13.2 indicates that no comprehensive groundwater monitoring program exists at JPG. Such a program must be initiated at JPG to ensure the migration of hazardous materials is quickly identified to protect the health and safety and the community and for remediation purposes. (88)

Page 4-38

CERFA documentation is noted herein. It is the understanding of the community that both IDEM and EPA did not concur with the CERFA report. The comments and reasons for the nonconcurrence by IDEM and EPA should be noted within this section. (89)

Page 4-40

4.14.3 should provide an analysis of the risks, dangers and hazards associated with UXO, particularly the risk and migration of constituents materials off-site. Again, the Mason-Hanger Cleanup and Reuse Options report gave numerous reasons for concern about the presence of UXO in large concentration over extended periods of time. (90)

Also, this section should note in detail the current situation regarding the EPA rule-making process in order to determine if UXO will be regulated under RCRA and/or CERCLA. A draft rule is to be published October 1995 and a final rule October 1996. These pending rules could have significant impact on the future remediation of UXO at JPG.

(91)

Also note the first sentence indicated that UXO may be found in specific places south of the firing line. Yet the preparers used a statement by Ken Quirk on page 4-13 that no UXO should be present in landfills south of the firing line.

(92)

Page 4-42

A complete EIS on the depleted uranium at JPG has just started with the pre-scoping meeting. How can the Army begin to consider making a record of decision as to the disposal of JPG when a consideration so large as the risk to health and human safety posed by testing 100,000 kilograms of depleted uranium has yet to be determined. This is unacceptable. The Army cannot contemplate any disposal action until after the environmental impact of this past use of JPG and potential risk to human health is evaluated and agreed on by all concerned parties.

(93)

Even in the brief narrative provided in the DRAFT EIS, no mention is made of potential migration of depleted uranium.

(94)

Page 4-47

Another discussion of depleted uranium that does not address migration by air or ingestion by animals/people.

(95)

Page 4-48

Last paragraph discussed wetlands and the potential to impose restrictive covenants to protect them. The DRAFT EIS should address how wetlands will be identified and why restrictive covenants might be necessary since federal legislation exists that provides protection of wetlands.

(96)

Page 5-1

The No Action Alternative Disposal Alternatives are unacceptable.

Page 5-3

The No Action Alternative is unacceptable.

Page 5-4

5.3.3. should address the fact that No Action will not allow for reuse and the creation of new jobs.

(97)

Page 5-10

Throughout this section there is an overriding concern about the fact that there has been no data collection, evaluation or analysis of the area north of the firing line. We find it difficult to comment on or to imagine how the Army can make a disposal decision without the consideration of the long-term environmental consequence of JPG's concentration of UXO. We feel such an analysis is necessary to assure the community will not be exposed to long-term health risks. (98)

Also under this section the encumbered alternative notes that generally land use would not change. The Army has to come to terms within the EIS that nearly 50,000 acres will be removed from a regions economy forever. The impact of this loss is immeasurable. The economic factors are enormous and will plague this region forever. Yet no where is this spelled out clearly in the EIS. For the general public, reader, reviewers and decision-makers, this needs to be clearly spelled out and addressed. The EIS should clearly point evaluate the long-term economic impact associated with nearly 50,000 being a void and long-term liability to the region. It will continue to increase local/regional commuter and transportation cost due the size and location of facility. Without addressing this issue in a manner that will be understood fully by the general public this EIS document misses the entire environmental issue that citizens affected by the reuse and disposal of JPG face. (99)

5.4.2 first paragraph, last sentence needs to be explained in greater detail as to what is being conveyed on the part of the preparer. Of course remedial action would delay development, but that is appropriate and reasonable to assure public health and safety concerns are met. There is no reason for such a statement to appear herein.

Page 5-13

The middle of first paragraph indicated that considerable investment of Army resources would be required to eliminate the remedial action encumbrances. Who cares? The Army caused the need for remediation and they should be held accountable. This sentence is unnecessary and should be withdrawn. (100)

Road crossings over streams is referenced several times throughout the document. Details as to how surface water quality is effected by such use should be documented herein. (101)

Page 5-14

First paragraph says cleanup of UXO would have adverse impact to public health because of detonation of UXO as part of the cleanup. Is the community to imply that they have been exposed to a public health risk for 50 years while JPG has been in operation. This is a significant statement and if accurate may be cause of a health survey by the appropriate federal health agency. It also may open the door to a variety of potential litigation with claims focused on 50 years of federal government activity that threatened human health. (102)

This section should provide analysis as the risk to human health for the UXO to stay and decay and its constituents components to migrate into soil and water. (103)

5.4.5 states that costs associated with management of utilities could frustrate economic development and have long term adverse impacts on socioeconomic conditions. How can anyone make such a statement. This statement must be removed from the text. Availability of infrastructure is key to providing economic development opportunities. JPG utilities provide positive development factors. No one has said or proven that the community cannot manage the JPG utilities. (104)

Page 5-18

5.4.14 third paragraph indicates that a remedial investigation is occurring in study area 1, the wildlife refuge area north of the firing line. If this is so the community is not aware of this activity and needs to be informed. (105)

Page 5-31

5.6, fifth paragraph states the need for working together. This is not the case. Development and reuse could take place by the actions of individual counties. (106)

Page 5-32

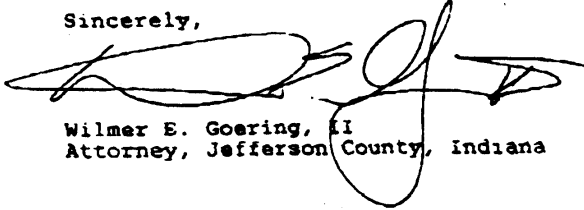
5.7 should provide data as to what income level constitutes low-income populations. (107)

Also it is impossible to make a statement that JPG does not create an adverse health risk, when no analysis north of firing line has been initiated, no evaluation of the depleted uranium has been completed by the Nuclear Regulatory Commission and the EPA and ID&M have not concurred on any Army environmental documents to date. (108)

This concludes the comments of the Jefferson Proving Ground Local
Redevelopment Authority on the DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR REUSE AND DISPOSAL OF JPG.

Any questions regarding this comments can be directed my office
812.273.5230 or Bob Grewe at 812.265.4769.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wilmer E. Goering, II', with a large, stylized flourish extending from the end of the signature.

Wilmer E. Goering, II
Attorney, Jefferson County, Indiana

1002 East Washington Street
Suite 300
Indianapolis, Indiana 46202
317-645-8800
Fax: 317-660-1794

May 15, 1995



James Davidson
U.S. Army Materiel Command
5001 Eisenhower Ave.
Alexandria, VA 22333-0001

RE: Draft Environmental Impact Statement for Disposal and
Reuse of Jefferson Proving Ground

Dear Mr. Davidson:

Following are the comments of the Hoosier Environmental Council on
the DEIS for the disposal and reuse of Jefferson Proving Ground.

Format of DEIS

HEC objects to the generic nature of the DEIS and believes it is
not consistent with the requirements of the National Environmental
Policy Act that provide that an environmental impact statement will
be a "detailed statement" on the environmental effects and
alternatives to a proposed action. Instead, the DEIS analyzes
categories of actions such as encumbered or unencumbered disposal
and three levels of reuse "intensity". (109)

These generic categories were used even though more specific
disposal/reuse options were well-known and likely to be the final
outcome. In the DEIS the Army declares that the reason for the
generic nature of the reuse analysis is due to their limited
control over reuse activities once the Army gives up the land. Yet
in reality, one reuse option, the national wildlife refuge, is
totally within the Army's control according to the disposal
screening process set forth by statute.

Second, the Army has prematurely decided, prior to the conclusion
of the EIS process, that certain lands will not be included in the
wildlife refuge by making a surplus decision on these lands on
March 9, 1995, twenty-two days before the release of the DEIS, and
months before the Record of Decision will be completed. In fact,
for at least one of the reuse options, the disposal decision will
determine the reuse activity. Again, this is the wildlife refuge
option. Because of this and the other deficiencies of the DEIS,
the document will become what is specifically prohibited by the
NEPA regulations: an after-the-fact justification of a decision
already made (40 CFR 1502.2).

One of the purposes of an EIS is as a disclosure document: to
provide the most complete level of information to the decisionmaker
and the public so that a well-informed decision on proposed actions
can be made. On this point the DEIS fails completely. Much more
information was available to the Army than appeared in the DEIS.
This information consisted of additional biological information (110)

from the IDNM and the US FWS; from the economic studies done for the JPG RDB; and from information on the public land and recreation situation in Indiana provided by HEC. Had all this information been fully presented in the DEIS, the Army and the public would have a much more informed analysis of the merits and drawbacks of each proposed disposal/reuse option.

More discussion on these topics will occur in the following sections of our comments.

Alternatives

As noted above, the generic nature of the disposal and reuse alternatives diminishes the effectiveness of the DEIS. This is a particularly important deficiency of the DEIS given that specific, and likely reuse options were available for analysis. These options include: (1) the national wildlife refuge; (2) the JPG Regional Development Board's plan and its components: agribusiness parks, a solid waste landfill, road expansion, commercial development, and the operating engineers training center. Each of these alternatives will create site-specific environmental impacts or benefits, specific economic impacts or considerations, and social impacts. Despite the existence of these known reuse outcomes, the DEIS contains very little discussion, analysis, or comparison of them. This does not at all qualify as the "rigorous exploration and evaluation of all reasonable alternatives" required by NEPA (40 CFR 1502.14). (111)

Examples of site-specific issues that have not been fully considered are:

(1) the environmental impacts of the various development proposals for parts of JPG. These include the impacts of agribusiness-type development in northern end of JPG on water quality, vegetation, wildlife, and soils; the impacts on soils, water, vegetation, air quality, roads, and adjacent property values of a regional solid waste landfill; the impacts of commercial development or heavy equipment training on wetlands and vegetation; the impacts of road reconstruction or widening on water quality, vegetation, and wildlife. (112)

(2) the environmental and economic impacts of cleanup activities related to the various redevelopment possibilities. What level of cleanup of UXO, for example, is necessary for the development of an agribusiness park, or a landfill.

(3) the suitability of JPG lands for various reuse options, such as commercial development or a landfill. Is the land, given its geological conditions or the presence of UXO or hazardous waste, suitable for a particular development project.

Affected Environment

The discussion of the affected natural and socio-economic environment of the JPG region was extremely cursory, given the availability of much more information on these subjects.

in particular, there was little discussion of the regional landscape from an ecological standpoint. This discussion should have included more than just a description of existing public land units and a general outline of surrounding land uses. Both the reports from the IDNM and the U.S. Fish and Wildlife Service described the importance of large and diverse natural areas in the lower midwest, given that so much land is in private hands and developed to some extent.

113

No discussion occurs on the biological value or regional abundance of the wetlands resource, mature hardwood forest, or high-quality streams at JPG. These natural communities are all rare in the lower midwest. The size of the hardwood forest at JPG is very significant regionally. Large intact forest is increasingly recognized for its importance as successful habitat for forest-dwelling wildlife including interior dependent migratory birds.

Indiana has a very limited public land base constituting about three percent of the total land area in the state. Demand for outdoor recreation opportunities is high, and several large urban populations are within one-day's drive of southeastern Indiana.

The discussion of Geology on page 4-24 does not discuss the presence of karst features such as the caves which exist at JPG.

114

Earlier studies on JPG and the regional economy, including the Mason and Hanger Report and the Hammer, Siler, George Associates study contained much more information on the regional economic circumstances and the relative importance of JPG to regional socio-economic conditions. Particularly important in their discussions and to the outcome of the JPG disposal process is the issue of demand for and availability of land. This single issue will be a primary determinant of whether development of JPG produces the predicted economic benefits (jobs created, etc.) yet it receives virtually no discussion in the DEIS. As is noted in these earlier reports, there is an "abundance of land" in the JPG region available for the types of development proposed by the RDB reuse plan. Given the environmental, cost, and safety issues connected with redevelopment of JPG versus this development occurring on lands outside the proving ground, the projected economic benefits of JPG development are highly suspect. Yet this issue is neglected in the DEIS. The analysis that does occur on pages 5-22 and 5-23 is oversimplified and incomplete. Projecting that high intensity redevelopment of JPG would produce a 73% increase in jobs over the present employment level (page 5-23) for the entire region is wildly speculative given all the economic factors at work.

115

The affected environment at JPG includes the significant issues of unexploded ordnance, hazardous waste, and depleted uranium. The DEIS discussion of these potential contaminants, their cleanup, relationship to development activities, and future monitoring of environmental quality are extremely limited. There is no

116

discussion of the controversy over the classification of unexploded ordnance as a non-hazardous waste.

Environmental and Socio-Economic Consequences

The charts and limited text that compare the impacts of generic alternatives does not allow the public to compare the merits of the various specific reuse options that are likely to occur. Specifically, impacts are reduced to three possibilities -- beneficial, adverse, or significant adverse. This cursory analysis fails to describe or compare the real severity and scale of the impacts from the various reuse options.

The comparison of only three reuse "intensities" in this section inappropriately lumps together reuse activities that could have very dissimilar impacts. For example, residential development, community parks, golf courses, and preserves are categorized all as "low intensity" reuses. Yet these activities can have significantly disparate impacts, particularly on biological resources. We question the validity of using land use planning intensity standards to categorize and compare the environmental impacts of various development or preservation reuses.

(117)

On page 5-27, the "Geology, Soils, and Topography" discussion of high intensity direct impacts has no discussion of the effects of agribusiness development in the northern parcels of JPG.

On page 5-28, the "Biological Resources" discussion of medium and high intensity reuses is wholly inadequate, with virtually no discussion of the scale or significance of the effects of development in these areas. In particular, there is no acknowledgement of the presence of high quality natural communities that was documented by the IDNR Inventory of March 1993.

(118)

On page 5-31 in the "Mitigation" section, the discussion of adverse impacts to biological resources is virtually meaningless. These impacts include more than degradation of surface waters or forced relocation. Again, the failure to address the regional significance of JPG or the impacts of habitat loss and fragmentation make this analysis barely useful.

(119)

This section contains no discussion of social controversies that may arise over proposed reuse options. In particular, citizen objections have already been expressed to several of the JPG RDB's preferred reuse plan components, including the agribusiness parks at the northern end of the proving ground and the solid waste landfill. Noise, odors, increased traffic, and lowered property values are all socio-economic factors with potential for controversy related to these developments. The most likely tenant being considered for the agribusiness park, the egg-laying facilities, has generated a great deal of public opposition.

(120)

Unavoidable Adverse Environmental Impacts/Irreversible or Irretrievable Commitments of Resources
The limited nature of these discussions on pages 5-33 and 5-34 are symptomatic of the document's failure to include all available information and in particular, reasonably foreseeable outcomes from the proposed reuse options. We dispute the assertion that the actions undertaken by non-Army entities are "not presently well enough defined to make estimates on certainties that the impacts would occur." NEPA requires more than only an evaluation of certain outcomes, and the Army's insistence in refusing to evaluate the impacts of specific reuse options that are reasonably foreseeable though not guaranteed serves to invalidate the entire analysis. (121)

In fact, the disposal decision made at JPG will represent an irreversible or irretrievable commitment of resources if it chooses to dispose of certain parcels of land that are also included in the proposed wildlife refuge boundaries. The surplusings of parcels announced on March 9, 1995 indicates that this decision has already been made.

Other Issues

Given the specific military real estate disposal and screening process set out by federal law and regulation, we question what authority the Army is using to withhold the transfer of the 53,000 acres as requested by the U.S. Fish and Wildlife Service on March 28, 1994. (122)

Conclusion

As recognized in the DEIS, a principal goal of NEPA is to assure that federal agencies make sound and informed decisions based on the available information and a full consideration of the likely impacts, positive and negative, of their decision. The Jefferson Proving Ground environmental impact statement in its present form will fail to achieve that goal. On the other hand, an EIS that fully looks at the reasonably likely reuse outcomes, that compares the basic choice between a wildlife refuge or a hodge-podge of development proposals on the land north of the firing line, that analyzes the costs and impacts of these development proposals and the likelihood they would ever occur given the presence of UXO, the safety and liability issues, and the need for this JPG land, the only sound decision that could result is the transfer of the requested 53,000 acres to the U.S. Fish and Wildlife Service for a national wildlife refuge. This is the action supported by the Boosier Environmental Council. (123)

Submitted by:

Tim Maloney
Tim Maloney
Natural Heritage Policy Director

Save The Valley and the Hoosier Environmental Council have already expressed their concerns concerning the JPG environmental statement; however, a mention of the EIS and its lack of specificity concerning non-federal land owners, private land owners and their customers and social friends need be addressed at this time.

Incumbered disposal suggests that the Army has formulated a plan to consider certain encumbrances on certain owners facing a condition of transfer; the Army suggests it may be able to control these encumbrances and accordingly their environmental impacts.

The Army authorizes that mitigation of impacts would result in reuse of the JPG land and beyond the control of their authority. The EIS suggests measures that future owners could take include exercise of sound discretion, the land use planning and infrastructure developments. It suggests adherence to deed restrictions and enforcement of zoning, substantial decision regulations and building permits.

However, the Army, to our knowledge, has never approached Jefferson County zoning authorities regarding proper classification and zoning of the land South of the firing line. Also, there is no mention that the Army has approached Ripley County and Jennings County regarding their comprehensive zoning plans for the area North of the firing line.

(124)

So how does proposed action analyzed in the EIS concern itself properly with the disposal of the entire JPG facility? The EIS suggests that reuse of the installation of future occupants is beyond the direct control of the Army. The Army acknowledges that mitigation of impacts which result from reuse are beyond its control and authority. This reuse, the Army considers an indirect impact.

The Army recognizes CERCLA requires that all Federal property transfers specify any release, storage or disposal of hazardous materials at the site along with a description of the circumstances and any response taken. Covenants are required for property transfers from the Federal government to private non-federal entities that involve property which had been the site of storage, release or disposal of hazardous materials. These covenants must warrant that necessary remedial action has been taken and that if additional remediation is needed, it will be conducted by the Federal government. What assurance do the people of Jefferson, Ripley and Jennings County have that the Federal government will remain in charge?

(125)

The encumbrances are identified as unexploded ordinance (UXO) and depleted uranium (DU). After twenty-five (25) years the Army suggests that the outlying parcel intended for community development would be burdened with a reversionary clause favoring the Fish and Wildlife Service.

Why not just transfer the property North of the firing line to the Fish and Wildlife Service so that no major liability decisions need be faced by any non-federal land owner or by private individual land owners who receive title from the Federal government. The reversionary clause could have an effect on a counties' land use decisions respecting undeveloped parcels and may be in conflict with the Fish and Wildlife Services reversionary interest.

(126)

Discussions have occurred between Save The Valley's attorney, Thomas Dattilo, and the Jefferson County zoning attorney and zoning officials that suggest Jefferson County may consider pursuing zoning classification for that portion of JPG that exists within Jefferson County. Jennings and Ripley County should, in our opinion, do the same and commence zoning regulations and requirements for their counties' portions of JPG; zoning provides for orderly and planned

growth within a county and must be done before transfers of any real estate parcels are made between the Federal government and the respective counties.

The Fish and Wildlife Service and their rights and interests in the JPG facility should also be considered by the zoning authorities of the respective counties: in this manner orderly and planned growth just might be accomplished. Its a pity the government didn't think of this significantly enough to direct the respective counties to act in the counties' best interest.

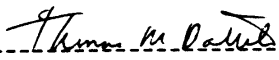
(127)

Also, if parcels are transferred to private land owners, and if zoning is not accomplished beforehand, the populace surrounding JPG will suffer substantial problems, most likely environmental hazards.

In conclusion, if the counties fail to zone JPG, future generations can have no assurance of any proper planned growth or any safety for the business invitees or the surrounding JPG populace from unexploded ordinance and depleted uranium.

Dated: April 25, 1995

On Behalf of Save The Valley



Thomas M. Dattilo
Attorney
311 East Main Street
Madison, Indiana 47250

SAVE THE VALLEY, INC.

April 25, 1995

U.S. Army Materiel Command, ATTN: AMCSO
5001 Eisenhower Avenue
Alexandria, VA 22333-0001

ATTENTION: Mr. James Davidson

SUBJECT: COMMENTS REGARDING THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT CONCERNING THE DISPOSAL AND REUSE OF THE JEFFERSON
PROVING GROUND


Dear Mr. Davidson:

Save the Valley, Inc. is a not-for-profit environmental organization with members residing primarily in Southeastern Indiana and Northern Kentucky. The great majority of our membership resides within a fifty mile radius of the Jefferson Proving Ground.

This residency pattern vests our organization with an inherent right to make comments regarding the DEIS. You will find our preliminary comments enclosed. We expect that additional comments will be made representing our positions.

We hope that our comments will be given due consideration in the ultimate disposition of the Jefferson Proving Ground.

Sincerely,



Richard Hill
President

P.O. Box 813, Madison, IN 47250

COMMENTS REGARDING DRAFT ENVIRONMENTAL IMPACT STATEMENT CONCERNING DISPOSAL AND REUSE OF THE JEFFERSON PROVING GROUND

INTRODUCTION

We would like to take this opportunity to express some of our concerns regarding proposals that have been made for the disposal and reuse of JPG.

CONTINUED MONITORING

One of our main concerns involves the question of continuation of monitoring for possible health and safety risks after the Army has disposed of the JPG. We feel it essential that areas be sampled and tested on a regular basis in order to measure migration of any toxic substances.

We do appreciate the danger inherent in any major clean up efforts (due the presence of UXO) in areas north of the firing line. Therefore, continuous monitoring seems to be an acceptable alternative, at least from what we can tell at this time.

This is of special concern in and around the Depleted Uranium Impact Field. Due to the long-lived radioactive nature of DU and its toxicological hazard as a metal, we feel it necessary to ensure that migration of such contaminants through the soils to ground and surface waters is carefully monitored.

The fact that Big Creek runs right through the DU Impact area gives rise to a number of possible mechanisms for migration of DU outside the immediate impact area. This is of particular concern to people outside the JPG borders who live on and otherwise use this creek for purposes such as fishing, recreation, watering livestock (either purposely or by chance of livestock wandering into the creek, etc.). For these reasons, we recommend sampling not only water and soil, but also biological inhabitants that could conceivably carry the contaminants away from the immediate impact area.

We do understand that there is to be a separate EIS for the DU area and these concerns will be expressed during that process also. However, this present DEIS does address the disposal and reuse of the entire JPG. The current DEIS also identifies depleted uranium as an encumbrance to be considered. Thus, we wished to address this concern now.

THE WILDLIFE REFUGE PROPOSAL

Preservation of JPG as a wildlife refuge offers a unique opportunity for this part of the country. By the very nature of past use, much of JPG is actually unsuitable for other uses. There are currently no other areas of this large scale available in Indiana available for protection of natural habitats. Such habitats are being lost every day and are becoming extremely rare. We feel that such an opportunity may never arise again on this scale in Indiana.

We will not list here all of the natural and historic features that are worth preserving, as these are quite extensive, already very well known, and thoroughly described in other documents. We recommend referencing the DEIS for further information on these features.

OTHER PROPOSED USES NORTH OF THE FIRING LINE

There is much discussion of uses other than the wildlife refuge for areas north of the firing line. We must express our opposition to uses that would compromise the integrity of the wildlife refuge. We have already mentioned the unique nature of the area and fear that other uses in or near the refuge would only interfere with the intent of habitat preservation.

We believe that there are ample areas of opportunity for development lying outside JPG or south of the firing line. There seems to be a number of development minded persons wishing to turn lead (or in this case, UXO riddled land) into gold. It seems obvious that any future use of even moderate intensity would require substantial clean up efforts to remove UXO. A direct quotation from the DEIS states: "Due to historical practices at the JPG, unexploded ordnance (UXO) may be found anywhere north of the firing line." (p. 4-40).

Additionally, UXO cleanup cost estimates listed in the DEIS give figures as high as \$87,624 per acre in forested areas (\$58,977 per acre in bare land areas). Is this land really worth that much? Is there not other uncontaminated land that could be had for considerably less? It is true that these are the high, worst case figures. However, as we all have often experienced, anything that can possibly go wrong, will go wrong and actual costs often far exceed projected ones.

It is also true that developers would not directly pay these cleanup costs. However, they are true costs, whether they are paid by developers or by our tax dollars.

A very credible source of opinion comes from many friends, neighbors, and relatives who have worked at JPG for many years. At many of the meetings concerning the JPG closure, as well as in private conversations, many of these people have voiced their judgment that development of areas north of the firing line is ludicrous due to the presence of the UXO and the impossibility of removing it to any safe level. We agree.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 3 0 1995

REPLY TO THE ATTENTION OF

Mr. James Davidson
U.S. Army Materiel Command
ATTN: AMSCO
5001 Eisenhower Avenue
Alexandria, VA 22333-0001

RE: Draft Environmental Impact Statement for the Disposal and
Reuse of the Jefferson Proving Ground, Madison, Indiana

Dear Mr. Davidson:

In accordance with our responsibilities under the National
Environmental Policy Act, and Section 309 of the Clean Air Act,
we have reviewed the Draft Environmental Impact Statement (DEIS),
dated February 1995, for the disposal and reuse of the Jefferson
Proving Ground, located in Madison, Indiana.

Our review of the DEIS has resulted in a rating of "EO-2." The
"EO" indicates that, based upon our review of the information
provided in the DEIS, there are significant environmental impacts
that should be avoided in order to adequately protect humans and
the environment. However, we feel that the potential for adverse
impacts to both humans and the environment could be avoided by
providing additional protective measures in the Final EIS.

The "2" in the rating indicates that the DEIS does not fully
contain sufficient information to fully assess environmental
impacts and that additional information, data, and analyses
should be included in the Final EIS.

Our specific comments are provided in the enclosure to this
letter. We would appreciate the opportunity to meet with you
regarding these comments. Also, as you have already discussed
with Carol Alexander, of my staff, we offer to review preliminary
drafts of the Final EIS as they are developed, in order to help
ensure that our issues have been addressed. Please contact Carol
at (312) 886-4244 to arrange future meetings and document
reviews.

Sincerely,

Shirley Mitchell, Chief
Planning and Assessment Branch
Planning and Management Division

Enclosure

ENCLOSURE
U.S. EPA REGION 8
COMMENTS ON THE FEBRUARY 1995 DEIS FOR JEFFERSON PROVING GROUND

The FEIS should provide detailed information concerning the following: 1) baseline environmental conditions at JPG, including the designation of parcels at JPG according to the standard seven CERFA categories, 2) impacts and environmental degradation associated with specific land use types regarding reuse, 3) hazardous wastes at JPG, including the need for further investigations and necessary compliance activities, 4) public safety, 5) property adjacent to JPG, 6) wildlife and unique or high quality natural areas, and 7) mitigation of potential impacts for each reuse scenario outlined in the DEIS.

I. BASELINE ENVIRONMENTAL CONDITIONS AT JPG AND PARCEL DESIGNATION UNDER CERFA

In general, the DEIS does not fully disclose the environmental baseline conditions at JPG. The FEIS should provide thorough information regarding baseline conditions at JPG with regard to hazardous wastes, biological resources, and cultural resources. For example, there have been no investigations regarding baseline conditions north of the Firing Line (FL). The FEIS should include a description of remaining unexploded ordnance (UXO) and their locations, as there is the potential for contamination in the form of metals, explosives, herbicides, and uranium.

(128)

The FEIS should also include a description of the possible wastes, products, and degradation constituents that are possible at the entire facility. This information will be necessary for remedial investigations, and informs the public of what will potentially be left in place with regard to reuse scenarios.

(129)

In general, the figures depicting maps in the DEIS are not always consistent when representing the different features at JPG. For example, Figure 4-9, depicting the Wetland Inventory Map and Figure 4-10, depicting surface water, do not show the creeks with the same detail or location. Maps that will be included in the FEIS should be checked for consistency.

(130)

Also, Attachment C, a map depicting archeological areas, is not legible, and a new map should be included in the FEIS.

(131)

The DEIS references the Environmental Baseline Study (EBS)/Community Environmental Response Facilitation Act (CERFA) Report. However, it should be clarified that concurrence has not been given on the EBS by our agency or the Indiana Department of Environmental Management (IDEM). According to CERFA, Public Law 102-426, U.S.C. Section 9620(h), and Department of Defense policy, an EBS is required, and a revised EBS which designates parcels under seven distinct categories must be submitted to the regulatory agencies for review. Therefore, the FEIS should indicate that the current EBS is a proposed document, as the regulatory agencies may require parcels to be ranked differently than originally proposed in the current EBS, based upon further investigations. (132)

In addition, it should be noted that the RCRA Facility Assessment, mentioned in Section 4.14.2 of the DEIS, is a final report and not a draft. (133)

II. ENVIRONMENTAL IMPACTS TO LAND USE TYPES ASSOCIATED WITH REUSE SCENARIOS

The DEIS should include an analysis of a mixture of high, medium, and low reuse scenarios and associated environmental impacts. The DEIS does not thoroughly describe potential impacts to property at JFC with regard to the specific reuse scenarios. Descriptions of associated impacts from reuse should be analysed in greater detail. (134)

The DEIS states that, in many cases, land use cannot be known until an owner actually takes control of property. The DEIS also states that, based on the specific reuse plans developed by other parties, additional environmental documentation may be necessary. The FEIS should clarify exactly what environmental documentation would be required of future owners, since it is the primary responsibility of DOD, under the National Environmental Policy Act, to provide the public and regulatory agencies with sufficient environmental documentation in order to make informed decisions with regard to appropriate remedial and reuse activities. (135)

The DEIS contains statements that there will be no direct or indirect impacts to the environment due to certain reuse intensity categories. The basis for determining that there will be no direct, indirect, or cumulative impacts to the environment should be stated and information which serves as a basis for these determinations should be included in the FEIS. For example, Section 5.5.11 states that no indirect impacts are expected to occur to soils under the Low Intensity category, however, there is no analysis or documentation to support this statement. (136)

It should be noted that airport reuse is contingent upon Solid Waste Management Unit (SWMU) investigations. Reuse of the cemetery must consider the locations of SWMUs being investigated and UXO with regard to placement of graves.

Reuse as a recycling center would be considered a SWMU and would need corrective action. Reuse as a wildlife refuge must consider the impacts on humans and wildlife with regard to risks associated UXO left in place. With regard to UXO, reuse decisions cannot be determined without further environmental investigations and/or extensive deed restrictions which have accounted for worst-case scenarios.

The fact that reuse may include the transfer of land to new RCRA Owners/Operators should be addressed in the FEIS.

The FEIS should also discuss the need for a risk assessment to be completed for JPG. In addition, an RI/FS north of the FL, should be developed and should address the possibility that the transfer of property may not occur without further investigations.

It should be noted that reuse scenarios outlined in the DEIS may not represent final reuse determinations at JPG.

It should also be noted that RCRA regulations apply to the entire facility and that new owners or operators would be subject to compliance with RCRA. With regard to Appendix C, it should be noted that RCRA liability will be transferred with the land obtained by U.S. FWS, and the Service must comply with RCRA interim status and future permitting requirements.

With regard to reuse as a wildlife refuge, the protection of public safety and wildlife should be addressed concerning the risks involving UXO left in place.

The March 28, 1994 request for transfer of excess real and related property south of the firing line by the U.S. FWS appears to be outdated. It appears that U.S. FWS is currently expressing to the U.S. EPA that only property north of the firing line will be requested, according to the latest draft Concept Plan dated 1995. This change needs to be clarified in the FEIS, and the newest version of the Concept Plan should be used.

The proposal for a National Wildlife Refuge is not the current Concept Plan. In order to comply with RCRA requirements, we believe that general public use is not acceptable at this time, since remedial investigations and a risk assessment have not been performed. Also, the plan does not address RCRA compliance for the regulated open detonation ranges. And, there may be future impacts from the upcoming proposed Munitions Rule, that may restrict activities within the range areas, including the buffer zones.

(147)

With regard to Appendix D, the location of the agricultural leasing areas should be identified on a map. Also, the appendix does not reference RCRA requirements that are applicable. Should agricultural crops be considered regarding reserve parcels, risk assessments required by RCRA and CERCLA must consider food-chain impacts.

(148)

The FEIS should clarify the fact that the recommendations used in the Appendix G do not reflect both Federal and State recommendations as to activities at these sites. The FEIS should state that the information in this appendix is subject to changes based on current CERCLA and RCRA investigations.

(149)

The DEIS states that the Indiana SHPO has recommended that a historic preservation consultant be retained to determine which buildings should be included in the historic district. The FEIS should state whether a consultant will be retained and how this consultant will be allowed to complete this assessment with regard to reuse activities.

(150)

III. HAZARDOUS MATERIALS INFORMATION

The DEIS does not analyze both current and future impacts of existing UXO with regard to the biological resources at JPG. Cleanup activities proposed appears to be focused solely on human reuse activities at JPG and does not thoroughly account for biological resources.

(151)

The FEIS should include a schedule of on-going remedial activities planned or reasonably anticipated in the future.

(152)

Asbestos-containing materials should be disposed of in a landfill licensed to handle such materials.

(153)

With regard to Clean Air Act (CAA) conformity, the DEIS states in Section 5.8 that no information has come to light that the proposed action (disposal of JPG) would cause classification of the local air quality district as being in a non-attainment status or otherwise constitute a violation of Section 176(c) of the CAA.

In addition, the DEIS states in Section 5.5.10 that no impacts are expected under the High, Medium, and Low reuse categories. The FEIS should state how these conclusions were determined. The use of air modeling can aid in the assessment of potential impacts. It is expected that most reuse activities will impact air quality to some degree. All potential air impacts regarding reuse should be stated and assessed for each reuse scenario outlined in the DEIS.

The FEIS should state how DOD will ensure that PCB transformers will be monitored for potential leaking after base closure.

The FEIS should state whether contaminants are migrating off-site, and should describe the nature of any contaminants, including planned remedial actions.

With regard to data validation and Quality Assurance and Quality Control, the Remedial Investigation (RI) does not have concurrence from our agency and the Indiana Department of Environmental Management (IDEM). Also, the agencies do not agree with the deletion of units based upon existing data.

Compliance with corrective action is not addressed in the DEIS, and the open burning and open detonation units were not described.

Acreage in the FEIS should be modified to reflect property north of the FL.

The FEIS should include the following: 1) A description of past activities, including past training, performed at JPG, 2) A description of karst features mentioned in Section 4.11, 3) A geologic map which includes cross-sections, exposed formations, 4) A current map (see Figure 4-6) depicting all units potentially exposed to contamination, 5) A map depicting current well locations, and 6) A list of tested munitions.

The DEIS states that lead was identified in surface water samples. Data including levels, sampling dates, and locations should be described in the FEIS.

The FEIS should identify natural levels of sulphur in the vicinity of JPG and determine whether sulphur levels at JPG are due to munitions.

The DEIS states that there are "probable other locations" of groundwater contamination. All potential areas of contamination should be described in the FEIS and indicated on a map. In addition, the FEIS should provide information regarding sampling locations and assess the potential for uranium in groundwater.

Information on any pump tests that have been performed to verify permeability of the units should also be included in the FEIS.

(164)

The Air National Guard may be subject to the forthcoming munitions rule in the future. The Guard may not expand into the detonation range (the Resource Conservation and Recovery Act (RCRA) regulated unit), as that unit is subject to RCRA permitting and closure requirements.

(165)

With regard to Section 4.10 of the DEIS, if the open burning and open detonation units were permitted, RCRA would require air assessments for those units and regulate emissions from them.

(166)

Section 4.13.2 of the DEIS should describe past use of the groundwater in the till, as there are many old wells north of the firing line.

(167)

Potential contamination sources include the munitions disposal wells. The FEIS should address these potential sources.

(168)

Section 4.13.2 of the DEIS should also address the karst flow conditions and seeps present at the facility. It is our understanding that a cave survey is currently being performed. Information from that survey should be included in the FEIS.

(169)

With regard to Figure 4-13 of the DEIS, the exact location of the depleted uranium (DU) range conflicts with the topographic map for the facility.

(170)

The DEIS should specify that the DU range and landfill is also regulated as a SWMU under RCRA.

(171)

We recommend that the map labeled Figure 4-12 in the DEIS be updated after the completed search for historical archives.

(172)

With regard to Section 4.14.3 of the DEIS, a description of the method upon which the cost estimates were calculated and what specifically is included in those costs should have been included.

(173)

Section 4.14.3 of the DEIS should have addressed the need for obtaining a RCRA permit for the treatment of UXO. Section 4.13.2 of the DEIS should describe groundwater investigations required under RCRA for the OB/OD units and corrective action.

(174)

(175)

Section 4.14.1 of the DEIS should have included a description of RCRA corrective action.

(176)

Once the historical archive search is completed, a new list of SWMUs should be evaluated based on a completed search.

According to the DEIS, it appears that UXO north of the firing line will remain. Please be advised that we have not determined whether that will be the remedy for the facility and that removal of some or all portions of UXO contaminated areas may be required in the future. The FEIS should indicate that a final decision has not been determined.

With regard to Section 4.15 of the DEIS, the statement that there is no contamination of surface water or groundwater due to depleted uranium, may not be accurate.

Chapter 5 of the DEIS should have addressed RCRA hazardous waste treatment or disposal.

The Community Reuse Plan (CRP), located in Appendix B of the DEIS, does not address RCRA and CERCLA compliance under reuse scenarios. It should be noted that new owners are liable for Corrective Action associated with the creation of any new SWMUs.

With regard to the proposed UXO research center, should any cleanup/remediation take place, the center would be subject to RCRA regulations.

The location of any recreational activities described in the CRP, should be located a safe distance away from the RCRA regulated open burning grounds area until that site is clean closed.

Reuse of the airfield, per the CRP, will depend on the results of the RI/FS investigation. There are several areas at the airport, including the runways, which are currently under investigation.

The Gate 19 landfill should be monitored for migrating contaminants. Also, any landfills that may have had hazardous wastes disposed of (e.g., ash from incinerators that burned small ammunition) should require long-term monitoring.

In addition, we have several comments on the information contained in Appendix G, and they (in the order that they appear in the DEIS) are as follows:

JPG-06: The text should include the fact that this is a RCRA regulated unit, seeking closure. This unit is proposed to be separated out of the RI/FS.

JPG-15: This unit is regulated by the RCRA Subtitle D program implemented by Indiana Department of Environmental Management (IDEM). Also, asbestos has been placed in the landfill.

JPG-57: The text states that waste oil is stored in this active tank and that no further action is planned. Clarification should be given with regard to whether this is a RCRA regulated tank needing to go through closure.

JPG-36: Please clarify whether the term "stoddard solvent" is actually "standard solvent." Also, the status of closure should be specified, and whether there has been a certification approved by IDEM.

JPG-50: Please state what authority this was closed under.

JPG-54: The text should indicate whether closure of these units is required under TSCA.

JPG-47: A list of wastes disposed of in this unit should be included.

JPG-55: Should this unit be transferred, a sewer integrity test may be required to evaluate whether the photo lab materials leaked into the soil.

JPG-50: The text should state that the unit is regulated by the Clean Water Act or other applicable laws.

JPG-60: The text should state whether the waste analysis has ever verified that the material is characterized as hazardous waste.

JPG-61: Please clarify whether the term "steel contaminated" is actually "steel containment." Based on the RCRA Facility Inspection, the area needs some basic clean up.

JPG-63: A sewer integrity test should be performed to determine whether cyanide and silver wastes did not migrate outside the drains or sewer.

JPG-84 and JPG-86: The text should indicate whether these units are 90 day storage areas. Also, the waste type, unit type, and accumulation time should be addressed.

JPG-16: The text should state the period of operation of this unit.

JPG-23: The text should indicate that this is a RCRA regulated unit.

JPG-38: Please clarify what was the used motor oil. Also, please specify whether a waste analysis can be provided.

JPG-52: The text should indicate that this is a RCRA regulated generator accumulation area.

IV. PUBLIC SAFETY

The security function, provided under the Directorate of Law Enforcement and Security, is an extremely important component at JPG, due to the potential for threats to public safety from UXO areas. The DEIS states that a mutual aid agreement exists with the City of Madison, the surrounding municipalities, and the Indiana State Police. The FEIS should state whether this agreement will be in effect after base closure prior to property being conveyed to new owners. (187)

The FEIS should also state the manner in which DOD will ensure security at JPG. A detailed security plan should be included in the FEIS. (188)

The DEIS states that more than 48 miles of chain link fence topped with barbed wire surrounds the perimeter of JPG. The FEIS should state whether the fence will be maintained after base closure. (189)

New roads built will at JPG will require security fences and DOD must ensure compliance with security requirements for regulated units. (190)

The DEIS should provide a detailed description of what is meant by controlled access. (191)

The DEIS should also provide a description of any accidents involving human recreational use and UXO that have occurred at JPG. (192)

With regard to the addendum to the CRP, should East/West corridors be created, fencing must be installed to restrict access to UXO areas.

V. ADJACENT PROPERTIES

The FEIS should provide a list of all properties that are immediately adjacent to JPG. The FEIS should describe activities taking place on bordering properties (e.g., construction, water or air emissions). In addition, these properties should be visually inspected and information regarding the presence of environmental degradation should be described in the FEIS. Any descriptions of environmental degradation should include whether JPG is/was a potential source or whether activities on bordering properties may impact property at JPG. Potential impacts to JPG should be addressed with regard to reuse scenarios in the FEIS.

(193)

IV. WILDLIFE AND HIGH QUALITY NATURAL AREAS

In order to comply with Section 7 of the Endangered Species Act, we recommend that any activities regarding the closure and reuse of JPG, including those activities associated with environmental investigations and compliance, having the potential to affect proposed or listed threatened and endangered species, be coordinated with the U.S. Fish and Wildlife Service, Bloomington Field Office (FWS). Specifically, we recommend consultation with FWS to protect the Indiana bat, regarding activities occurring within one-half mile of all streams and tributaries on JPG. In addition, the potential for impacts to the Indiana bat occurring off-site (both indirect and cumulative impacts) must be considered in the FEIS.

(194)

Prior to the implementation of lease agreements or property transfer, we recommend that surveys for endangered species be conducted where there is habitat associated with these species. For example, Bald eagles are known to have utilized JPG. Surveys for nests along large lake areas should be conducted prior to timber cuts in those areas.

(195)

According to breeding bird surveys conducted at JPG (Appendix F of the DEIS), the base is host to a large diversity of neotropical migratory birds (NTMBs). In general, populations of NTMB species have declined in the Midwest. For many species of NTMBs, successful reproduction is dependent upon forest interior. Forest fragmentation creates additional forest edge, whereby nests become prone to predation. The FEIS should address adverse impacts to NTMBs due to the potential of forest fragmentation from reuse activities. The FEIS should also address the potential for cumulative impacts to NTMB populations in the Midwest should forest fragmentation occur at JPG (e.g., the Cerulean warbler is a Federal candidate species).

(196)

The DEIS also states that there are numerous Federal and State listed plants occurring or having the potential to occur at JPG. Surveys for these plant species (e.g., the Federally endangered Running buffalo clover) should be conducted.

(197)

In addition, surveys for other species, such as the Salamander Mussel and Henslow's sparrow, both Federal candidate species, should be conducted prior to property transfer. We recommend that you coordinate these surveys with FWS and the Indiana Department of Natural Resources.

VII. MITIGATION

The DEIS discusses general, potential mitigative measures to avoid or minimize adverse impacts to natural resources with regard to reuse activities at JPC. However, the DEIS does not provide any recommendations or affirmative statements that these mitigation measures will be implemented. The FEIS should indicate under what specific conditions will mitigation measures be utilized. Details concerning specific measures at specific sites under the various reuse scenarios should be provided in the FEIS. Also, we recommend that mitigation should be implemented in addition to encumbrances which are required by law.

We recommend that the following deed restrictions be incorporated into any lease agreements or property transfer documents in order to protect the historic, cultural, and natural resources currently at JPC. We recognize that there will need to be easements to allow DOD and its contractors access to property to implement cleanup activities.

We recommend that access restrictions be implemented to protect the public from harm during remedial actions. Also, we strongly recommend that extensive deed restrictions be incorporated to limit access with regard to reuse activities north of the PL. In addition, an information/education plan should be developed and included in the FEIS in order to inform the public (in the vicinity of JPC) of restricted areas.

We also recommend that restrictions regarding the existing small arms range and landfill sites be implemented to prevent inappropriate reuse activities, including agricultural reuse and any land modification which would impact in-place remedies or inhibit proper monitoring requirements.

Deed restrictions should include a 100-foot buffer around wetlands to help prevent degradation due to reuse activities. Buffer zones should be created for the Heron Rookery, and we suggest that you contact FWS for information on protecting the rookery.

Deed restrictions should include a requirement that new owners contact FWS prior to implementing disturbance-related activities taking place within one-half mile of all streams and tributaries to protect the existing population of endangered Indiana bats at JPG.

(203)

Deed restrictions should be utilized in order to protect historic properties and cultural resources at JPG. New owners should contact the State Historic Preservation Office (SHPO) should any reuse activities have the potential to impact these resources. Should areas which have the potential to contain these resources not be surveyed prior to land transfer, new owners should have surveys conducted, in consultation with the SHPO, to protect important resources.

(204)

Notification in deeds should be provided with regard to the transfer of any buildings with asbestos-containing materials.

(205)

Also, prior to land transfer, deed restrictions should be utilized to protect Federal and State listed plant species at JPG.

(206)

In addition, deed restrictions should be utilized for large tracts of forested lands to prevent fragmentation to help ensure successful reproduction of the numerous varieties of MTHB populations which nest at JPG.

(207)

We agree with the determination in the DEIS that upon transfer to a non-federal entity of any property eligible for listing on the National Register of Historic Places, DOD will include a restrictive clause in the deed which prohibits ground disturbing activities without the written consent of the Indiana SHPO.

The FEIS should discuss the use of encumbrances regarding the applicability of RCRA to certain areas. Since RCRA requires certain regulatory mandates on how the open burning/open detonation units will be maintained, certain uses of those sites may be prohibited. Also, RCRA corrective action may result in encumbrances on SWMU areas.

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